



**CITY OF NEW BRAUNFELS, TEXAS  
CITY COUNCIL MEETING**



**CITY HALL - COUNCIL CHAMBERS  
550 LANDA STREET**

**MONDAY, SEPTEMBER 23, 2024 at 6:00 PM**

Neal Linnartz, Mayor  
Andres Campos, Mayor Pro Tem (District 1)  
Christopher Willis, Councilmember (District 2)  
D. Lee Edwards, Councilmember (District 3)  
Lawrence Spradley, Councilmember (District 4)  
Mary Ann Labowski, Councilmember (District 5)  
April Ryan, Councilmember (District 6)  
Robert Camareno, City Manager

**AGENDA**

**CALL TO ORDER**

**CALL OF ROLL: CITY SECRETARY**

**REQUEST ALL PHONES AND OTHER DEVICES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL.**

**INVOCATION: COUNCILMEMBER EDWARDS**

**PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG**

**PROCLAMATIONS:**

- A) Hill Country Night Sky Month [24-981](#)
- B) Living Legends Of New Braunfels [24-1072](#)

**CITIZENS COMMUNICATIONS**

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. There will be no City Council action at this time. In the interest of protecting the City's network and data, the City is not accepting flash drives or electronic files for use during Citizens Communications. Please use hard copies, the overhead projector or access the City's online digital form to upload electronic files you would like the Mayor and Council to view. The digital form would need to be uploaded two (2) hours prior to the City Council meeting. A link to this form can be accessed on the City Secretary's website.

**1. CONSENT AGENDA**

All items listed below are considered to be routine and non-controversial by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business. Citizens must be present to pull an item.

*Resolutions & Action Items*

- A) Approval of the September 5th, 2024 Special City Council meeting minutes, the September 9th, 2024 Regular and Executive City Council meeting minutes, and the September 16th, 2024 Special Meeting City Council meeting minutes. [24-1185](#)  
Matthew Schwarz, Assistant City Secretary
- B) Approval of a contract with the Law Offices of Ryan Henry, PLLC., and approval of Ryan Henry, Justin Plescha and Jason Rammel to serve as interim prosecutors/assistant city attorneys. [24-1127](#)  
Valeria M. Acevedo, City Attorney
- C) Approval to renew the following annual contracts, as allowed for by their contract language and in accordance with City Charter Section 9.17: Motorola Solutions, Westnet, Target/Vector Solutions, BoundTree, Revenue Optimization, Texas Municipal League, Bakers Heavy Equipment, Cesars Body Works, Christian Brothers, Bluebonnet Motors, N & L Best Deal, Dr. Tania Glenn, Brandfolder, Denton, Navarro, Rocha Bernal & Zech, RPS, Brown & Hofmeister, Catapult Health, D & D Contractors, Fischer Construction, Concrete Enterprise, Fuquay, Inc., D & M Owens, MAC Inc, Lonestar Paving, Intermountain Slurry, Viking Construction, Gruene Shredding, Inc., Siddons Martin, Tyler Technologies, Del Carmen Consulting, [24-1155](#)  
Yvette Alvarado, Contract Coordinator
- D) Approval of a contract with Crowe LLP for Financial Audit Services [24-1169](#)  
Sandy Paulos, Director of Finance
- E) Approval of the purchase of vehicles from Reliable Chevrolet for the Police Department and approval to declare replaced units as surplus. [24-1193](#)  
Barbara Coleman, Purchasing Manager
- F) Approval of a contract with Jerdon Enterprise, LP for the construction of a segment of West Alligator Creek Trail and authorization for the City Manager to execute change orders up to the contingency amount. [24-1161](#)  
Scott McClelland, Assistant Transportation and Capital Improvements Director

2. **INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Public hearing and first reading of an ordinance [24-1207](#) amending the Project Plan and Reinvestment Zone Financing Plan for the New Braunfels Downtown Tax Increment Reinvestment Zone #3; and other matters in connection therewith.

Jeff Jewell, Economic and Community Development Director

- B) Discuss and consider approval of a resolution for [24-1109](#) nomination(s) to the Comal County Appraisal District Board of Directors.

Gayle Wilkinson, City Secretary

- C) Discuss and consider approval of a resolution for [24-1191](#) nomination(s) to the Guadalupe Appraisal District Board of Directors.

Gayle Wilkinson, City Secretary

- D) Public hearing and first reading of an ordinance to [24-1171](#) amend Chapter 144 regarding RVs on large acreage agriculturally zoned lots.

Jean Drew, AICP, CNU-A, Planning and Development Services Assistant Director

3. **EXECUTIVE SESSION**

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551, the City Council may convene in a closed session to discuss any of the items listed on this agenda. Any final action or vote on any executive session item will be taken in open session.

- A) Deliberate and consider the purchase, exchange, lease, [24-1219](#) contract terms, due diligence, or value of real property, in accordance with Section 551.072 of the Texas Government Code:

1. TSTC Campus

4. **RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.**

**ADJOURNMENT**

**CERTIFICATION**

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall.

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Matthew Schwarz, Assistant City Secretary

NOTE: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at (830) 221-4010 at least two (2) work days prior to the meeting so that appropriate arrangements can be made.



# City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**9/23/2024**

Agenda Item No. A)

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# Proclamation

THE STATE OF TEXAS §  
COUNTY OF COMAL §  
CITY OF NEW BRAUNFELS §

**WHEREAS**, the aesthetic beauty and wonder of star-filled skies are the heritage of all humankind and locally to the inhabitants of New Braunfels and are therefore worthy of celebration; and

**WHEREAS**, the experience of standing beneath a star-filled night sky inspires feelings of wonder and awe, and may encourage interest in science and nature especially among young people; and

**WHEREAS**, the opportunity to view star-filled skies attracts tourists to our region and therefore economic benefit to New Braunfels; and

**WHEREAS**, preserving the rich historic heritage and starry night skies of New Braunfels is important to its residents; and

**WHEREAS**, “light pollution,” which is wasted light that performs no function or task and artificial light that goes where it is not supposed to go, is created by glare, light trespass, sky glow, and over lighting; and

**WHEREAS**, light pollution wastes natural resources amounting to at least \$2 billion per year and contributes to diminished American energy independence; and

**WHEREAS**, the historical view of the night skies has been eroding in many nearby areas and generations are growing up with limited, if any, view of the wonders of the universe; and

**WHEREAS**, the influx of people into the Texas Hill Country region and the accompanying light pollution from area lighting fixtures has been steadily on the rise; and

**WHEREAS**, solving the problem of light pollution involves making better use of outdoor lighting to direct light down to where it is needed instead of upward into the sky, putting outdoor lights on timers and using outdoor lighting only where necessary; and

**WHEREAS**, Hill Country communities are increasingly dedicated to the preservation of the region’s night skies, as evidenced by the frequent educational activities conducted in our region; and

**WHEREAS**, this regional effort and the preservation and celebration of our night skies is worthy of a month-long celebration.

**NOW THEREFORE**, be it resolved, that I, Neal Linnartz, Mayor of the City of New Braunfels, Texas, hereby proclaim October 2024 as

## HILL COUNTRY NIGHT SKY MONTH

in the City of New Braunfels and I do thereby encourage citizens to enjoy the night sky and to participate in the New Braunfels, Comal County and Hill County regional events and programs celebrating the night sky and promoting the ways in which communities are working to preserve it.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 23<sup>rd</sup> day of September 2024.

CITY OF NEW BRAUNFELS

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NEAL LINNARTZ, Mayor



# City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**9/23/2024**

Agenda Item No. B)

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# Proclamation

THE STATE OF TEXAS §  
COUNTY OF COMAL §  
CITY OF NEW BRAUNFELS §

**WHEREAS**, The Braunfels Foundation Trust, founded with a \$1,500 gift from Braunfels, Germany, after the devastating 1972 flood, is a nonprofit organization providing technical and vocational scholarships to area students. The Living Legends program was created to recognize persons who have made significant contributions to our city and county through their on-going and well-known accomplishments; and

**WHEREAS**, Dr. Carlos Campos is a New Braunfels native who graduated from New Braunfels High School and played trumpet in the Mighty Unicorn Band, attended Schreiner College before graduating from Baylor University, received a Master of Public Health from the University of Texas School of Public Health, and attended Baylor College of Medicine; and

**WHEREAS**, upon returning home to New Braunfels to open his family medical practice, Dr. Campos recognized the need of diabetes patients in our community for free and bilingual diabetes and health education. To solve that problem and address other needs of the community, Dr. Campos created a non-profit, The Institute for Public Health and Education, from which the Westside Community Center would be born; and

**WHEREAS**, under his leadership, some of the programs that were available to all the citizens of New Braunfels were GED classes, Diabetes Education classes, the Westside Nutritional Center, the Blast Program for after-school tutoring and counseling for high-risk students, and the annual Thanksgiving Feast to name a few. In 2011, the Center was acquired by the City of New Braunfels; and

**WHEREAS**, The NBISD Education Foundation named Dr. Campos a Distinguished Unicorn Alumni in 2014 and the New Braunfels Independent School District gave him their highest recognition award, the Silver Unicorn. The Greater New Braunfels Chamber of Commerce presented Dr. Campos with a Chair of the Board Award for Health Improvement, and he was named the Herald-Zeitung's Citizen of the Year.

**NOW THEREFORE**, be it resolved, that I, Neal Linnartz, Mayor of the City of New Braunfels, Texas, hereby proclaim Dr. Carlos Campos, as a

## LIVING LEGEND OF NEW BRAUNFELS

in New Braunfels, Texas, and I do thereby call upon our citizens to join the Braunfels Foundation Trust in honoring New Braunfels' Living Legends.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 23<sup>rd</sup> day of September 2024.

CITY OF NEW BRAUNFELS

\_\_\_\_\_  
NEAL LINNARTZ, Mayor





# Proclamation

THE STATE OF TEXAS §  
COUNTY OF COMAL §  
CITY OF NEW BRAUNFELS §

**WHEREAS**, The Braunfels Foundation Trust, founded with a \$1,500 gift from Braunfels, Germany, after the devastating 1972 flood, is a nonprofit organization that provides technical and vocational scholarships to area students. The Living Legends program was created to recognize persons who have made significant contributions to our city and county through their on-going and well-known accomplishments; and

**WHEREAS**, Maurice Dewey Fischer attended Carl Schurz, New Braunfels Junior High, and graduated from New Braunfels High School in 1958 where he was a member of the Unicorn Band. Maurice went to Texas A&M University, was a member of the Aggie Band, received the Distinguished Military Student award, and was a member of Chi Epsilon, the national civil engineering honor society. Maurice graduated with a Bachelor of Science in Civil Engineering in 1962 and received his commission in the United States Army as a Second Lieutenant, serving in the United States Corps of Engineers in Anchorage, Alaska; and

**WHEREAS**, after returning to New Braunfels, Maurice worked with his dad, Dewey, and brother, Dean, in the family’s construction business, Fischer Construction Company. Maurice and Dean built and expanded the business to include Brauntex Materials, and in 2003, Maurice sold his interests in the companies to spend full time on the Texaco consigneeship he bought in 1966 that later became Midtex Oil; and

**WHEREAS**, Maurice and his family have supported local high school activities and dozens of civic organizations including the Sophienburg Museum and Archives, the Heritage and New Braunfels Conservation Societies, and the Brauntex Theatre; and

**WHEREAS**, in 2007, Maurice and siblings sold their fifty-five-acre hilltop family home at a discounted price and donated three acres to the New Braunfels Parks Foundation creating Fischer Park, the largest park in the New Braunfels park system; and

**WHEREAS**, as a member of the Wurstfest Association, Maurice served on the Braunfels-New Braunfels Partnership Committee, achieved Opa Emeritus status in 2001, served as president in 2019.

**NOW THEREFORE**, be it resolved, that I, Neal Linnartz, Mayor of the City of New Braunfels, Texas, hereby proclaim Maurice Dewey Fischer, as a

## LIVING LEGEND OF NEW BRAUNFELS

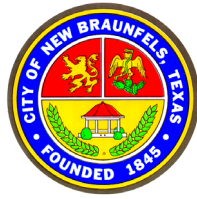
in New Braunfels, Texas, and I do thereby call upon our citizens to join the Braunfels Foundation Trust in honoring New Braunfels' Living Legends.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 23<sup>rd</sup> day of September 2024.

CITY OF NEW BRAUNFELS

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NEAL LINNARTZ, Mayor



# Proclamation

THE STATE OF TEXAS §  
COUNTY OF COMAL §  
CITY OF NEW BRAUNFELS §

**WHEREAS**, The Braunfels Foundation Trust, founded with a \$1,500 gift from Braunfels, Germany, after the devastating 1972 flood, is a nonprofit organization providing technical and vocational scholarships to area students. The Living Legends program was created to recognize persons who have made significant contributions to our city and county through their on-going and well-known accomplishments; and

**WHEREAS**, Robert “Rusty” Eugene Brockman, Jr., has a distinguished thirty-year career in Education beginning in his hometown of Baytown and ending in the Comal Independent School District where he was an assistant principal, principal, administrator, and is known as the voice of the Canyon Cougars at Friday night football games; and

**WHEREAS**, after his retirement in 2001, Rusty was recruited as Vice President of Economic Development at the Greater New Braunfels Chamber of Commerce where his team worked to bring jobs and higher education like the Central Texas Technology Center and Howard Payne University to New Braunfels and Comal County; and

**WHEREAS**, in 2020, Rusty was elected Mayor of New Braunfels and during his three-year term guided the city of New Braunfels through the Covid pandemic and unprecedented growth; and

**WHEREAS**, Rusty was also drive chair and past president of the United Way, a member of the Eden Hill Communities Board, co-drive chairman and board member of the Women’s Shelter, now the Comal County Crisis Center, a member and past president of the Breakfast Lions Club, past president of the Wurstfest Association and Grosse Opa in 2017; and

**WHEREAS**, Rusty is currently on the boards of the New Braunfels Youth Collaborative, Resolute Hospital, and the New Braunfels Food Bank among others; and

**WHEREAS**, Rusty’s volunteer resume is so impressive that he was the Herald-Zeitung’s Citizen of the Year in 1993 and has received the Chamber’s Chair of the Board Award in 1992, the Hall of Honors Award in 2011, and the coveted outstanding citizen award, the Besserung in 2017.

**NOW THEREFORE**, be it resolved, that I, Neal Linnartz, Mayor of the City of New Braunfels, Texas, hereby proclaim Rusty Brockman, as a

## LIVING LEGEND OF NEW BRAUNFELS

in New Braunfels, Texas, and I do thereby call upon our citizens to join the Braunfels Foundation Trust in honoring New Braunfels' Living Legends.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 23<sup>rd</sup> day of September 2024.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

**9/23/2024**

Agenda Item No. A)

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**PRESENTER:**

Matthew Schwarz, Assistant City Secretary

**SUBJECT:**

Approval of the September 5<sup>th</sup>, 2024 Special City Council meeting minutes, the September 9<sup>th</sup>, 2024 Regular and Executive City Council meeting minutes, and the September 16<sup>th</sup>, 2024 Special Meeting City Council meeting minutes.

**DRAFT - MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL - SPECIAL  
REGULAR MEETING OF THURSDAY, SEPTEMBER 5, 2024**

**AGENDA**

**CALL TO ORDER**

Mayor Linnartz called the meeting to order at 6:00 p.m.

**CALL OF ROLL: CITY SECRETARY**

**Present** 6 - Mayor Neal Linnartz, Mayor Pro Tem Andres Campos, Councilmember Christopher Willis, Councilmember Lawrence Spradley, Councilmember Mary Ann Labowski, and Councilmember April Ryan

**Absent** 1 - Councilmember D. Lee Edwards

**INVOCATION: COUNCILMEMBER LABOWSKI**

Councilmember Labowski provided the invocation.

**PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG**

Mayor Linnartz led the Pledge of Allegiance and the Salute to the Texas Flag.

**1. WORKSHOP**

A) Public hearing on the FY 2025 Operating Budget and Plan of Municipal Services.

Mayor Linnartz read the aforementioned item.

Jared Werner presented the item to council using a powerpoint and answered questions.

Mayor Linnartz announced the FY 2025 Proposed Budget along with the 2024 Tax rate will be adopted on September 9th, 2024, at a meeting beginning at 6:00 P.M. at 550 Landa Street, in City Council Chambers.

B) Discuss and consider approval of the first reading of an ordinance adopting the FY 2025 Operating Budget and Plan of Municipal Services.

Mayor Linnartz read the aforementioned item.

Karrie Cook presented the item to council using a powerpoint and

answered questions.

**Mayor Pro Tem Campos** moved to approve the first reading of an ordinance adopting the **FY 2025 Operating Budget and Plan of Municipal Services** including the **Budget Order** and attachments included in that order. **Councilmember Ryan** seconded the motion which passed unanimously.

**Absent:**

Councilmember Edwards

C) Public hearing on the proposed tax rate for the City of New Braunfels for tax year 2024 and announce the meeting date and time of adoption.

**Mayor Linnartz** read the aforementioned item.

This item's information was discussed under item A. No further information was provided by staff.

**Mayor Linnartz** announced the **FY 2025 Proposed Budget** along with the **2024 Tax rate** will be adopted on **September 9th, 2024**, at a meeting beginning at **6:00 p.m.** at **550 Landa Street**, in **City Council Chambers**.

D) Discuss and consider approval of the first reading of an ordinance adopting the 2024 ad valorem tax rates.

**Mayor Linnartz** read the aforementioned item.

**Karrie Cook** presented the item to council using a powerpoint and answered questions.

**Mayor Pro Tem Campos** moved that the property tax rate be increased by the adoption of a tax rate of **.408936** per \$100 of assessed taxable valuation, which is effectively a **2.7%** increase in the tax rate, with **.203928** for debt service and **.205008** cents for operations and maintenance. **Councilmember Spradley** seconded the motion which passed unanimously.

**Absent:**

Councilmember Edwards

E) Discuss and consider the approval of the first reading of an ordinance establishing the number of positions in each classification in the **New Braunfels Fire Department** and **Police Department** pursuant to Local

Government Code, Chapter 143.

**Mayor Linnartz read the aforementioned item.**

**Jared Werner presented the item to council using a powerpoint.**

**Councilmember Spradley moved to approve this item. Mayor Pro Tem Campos seconded the motion which passed unanimously.**

**Absent:**

Councilmember Edwards

**2. EXECUTIVE SESSION**

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551, the City Council may convene in a closed session to discuss any of the items listed on this agenda. Any final action or vote on any executive session item will be taken in open session.

**3. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.**

**4. ADJOURNMENT**

Mayor Linnartz adjourned at 6:24 p.m.

By: \_\_\_\_\_  
NEAL LINNARTZ, MAYOR

**Attest:**

\_\_\_\_\_  
GAYLE WILKINSON, CITY SECRETARY

**DRAFT - MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL - EXECUTIVE SESSION  
REGULAR MEETING OF MONDAY, SEPTEMBER 9, 2024**

**AGENDA**

**CALL TO ORDER**

**Mayor Linnartz called the meeting to order at 5:00 p.m.**

**CALL OF ROLL: CITY SECRETARY**

**Present** 7 - Mayor Neal Linnartz, Mayor Pro Tem Andres Campos, Councilmember Christopher Willis, Councilmember D. Lee Edwards, Councilmember Lawrence Spradley, Councilmember Mary Ann Labowski, and Councilmember April Ryan

**1. EXECUTIVE SESSIONS**

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551, the City Council may convene in a closed session to discuss any of the items listed below. Any final action or vote on any executive session item will be taken in open session.

- A) Deliberate and consider the purchase, exchange, lease, contract terms, due diligence, or value of real property, in accordance with Section 551.072 of the Texas Government Code:
  - 1. TSTC Campus
  
- B) Deliberate the appointment and employment of an interim Assistant City Attorney/Municipal Court Prosecutor in accordance with Section 551.074 of the Texas Government Code.

**Mayor Linnartz read the aforementioned items.**

**Mayor Linnartz recessed into executive session at 5:01 p.m.**

**2. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.**

**Mayor Linnartz reconvened into open session at 5:18 p.m.**

**No action was taken.**

**ADJOURNMENT**

Mayor Linnartz adjourned at 5:19 p.m.

By: \_\_\_\_\_  
NEAL LINNARTZ, MAYOR

**Attest:**

\_\_\_\_\_  
GAYLE WILKINSON, CITY SECRETARY



**DRAFT - MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL  
REGULAR MEETING OF MONDAY, SEPTEMBER 9, 2024**

**AGENDA**

**CALL TO ORDER**

Mayor Linnartz called the meeting to order at 6:00 p.m.

**CALL OF ROLL: CITY SECRETARY**

**Present:** 7 - Mayor Neal Linnartz, Mayor Pro Tem Andres Campos, Councilmember Christopher Willis, Councilmember D. Lee Edwards, Councilmember Lawrence Spradley, Councilmember Mary Ann Labowski, and Councilmember April Ryan

**REQUEST ALL PHONES AND OTHER DEVICES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL.**

**INVOCATION: MAYOR LINNARTZ**

Mayor Linnartz provided the invocation.

**PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG**

Mayor Linnartz led the Pledge of Allegiance and the Salute to the Texas Flag.

**PROCLAMATIONS:**

A) Fentanyl Poisoning Awareness Month

Mayor Linnartz read the aforementioned proclamation.

Individuals bringing awareness Fentanyl Poisoning Awareness Month received the proclamation and addressed council and the audience.

B) Constitution Week

Mayor Linnartz read the aforementioned proclamation.

The National Society of the Daughters of the American Revolution received the proclamation and addressed council and the audience.

C) Leukodystrophy Awareness Month

This proclamation was not read at this time.

**CITIZENS COMMUNICATIONS**

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**The following individuals spoke at this time: David Warmke, Jim Holster**

## **1. CONSENT AGENDA**

All items listed below are considered to be routine and non-controversial by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business. Citizens must be present to pull an item.

**Items C and D were pulled for individual consideration by David Warmke.**

### *Resolutions & Action Items*

- A) Approval of the minutes for the regular and executive session council meetings on August 26, 2024.
- B) Approval of a recommendation by the New Braunfels Economic Development Corporation (NBEDC) approving an administrative support and professional services contract, not to exceed \$455,386, with the City of New Braunfels for FY 2025.
- C) Approval of a contract with Lone Star Paving for the reconstruction of West San Antonio Street from Walnut Avenue to Academy Avenue and authorization for the City Manager to execute any change orders up to the contingency amount.
- D) Approval of a Guaranteed Maximum Price of \$1,854,561 with Trimbuilt Construction, Inc. for construction of the Fire Station #5 Renovation Project and approval of an owner's contingency of \$70,000.
- E) Approval of a contract between the City of New Braunfels and the Humane Society of the New Braunfels Area for FY 2025.
- F) Approval of a FY 2024 Budget Amendment in the 2013 Bond Fund to

support street maintenance projects scheduled to be completed prior to the end of the 2024 fiscal year.

- G) Approval of a resolution authorizing the City Manager to act on behalf of the City of New Braunfels in all matters related to an awarded Airport Improvement Grant administered by the Texas Department of Transportation, Aviation Division; and approval for a contract with KSA Engineers, Inc. for environmental, design, and bidding services to support the subsequent construction of a perimeter fence at the New Braunfels National Airport.
- H) Approval of a resolution authorizing the City Manager to enter into an Advance Funding Agreement between the City of New Braunfels and the Texas Department of Transportation for sidewalks along Schmidt Ave and traffic signal improvements at San Antonio Street & Academy Avenue.
- I) Approval of a resolution to consent to the creation of the Steelwood Trail Municipal Utility District (MUD) within the City's Extraterritorial Jurisdiction (ETJ) in Guadalupe County, consisting of 93.386 acres, and authorizing the City Manager to execute a development agreement between the City of New Braunfels and SA Given to Fly, L.P.
- J) Approval of a resolution of support for the Texas Department of Transportation Project for the Bridge Replacement on Landa Park Drive at the Mill Pond
- K) Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure of up to \$2,000,000 to the City of New Braunfels for the construction of Alligator Creek Trail West, pursuant to Sec. 505.152 of the Texas Local Government Code.

#### *Ordinances*

*(In accordance with Section 3.10 of the City Charter, a descriptive caption of each ordinance shall be read on two separate days.)*

- L) Approval of the second and final reading of an ordinance to rezone approximately 7 acres out of the J Thompson Survey 21, Abstract 608, from R-1 (Single-Family District) to R-1A-4 (Single-Family Small Lot Residential District), currently addressed at 2911 Morningside Dr.
- M) Approval of the second and final reading of an ordinance to rezone

approximately 5.3 acres out of City Block 5089, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, & 13, from R-2 (Single-Family and Two-Family District) to C-O (Commercial Office District), currently addressed as 511 E North St.

- N) Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Chapters 62 and 90 and Appendix D, to update the local food code, streamline certain food service establishment procedures, consolidate rules on mobile food units, and ensure consistency with the State of Texas Food Code.
- O) Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 10 and Appendix D by ratifying the current New Braunfels National Airport rates and charges and adding them to Appendix D.
- P) Approval of the second and final reading of an amendment to the New Braunfels Code of Ordinances, Appendix D by adopting new fees for Supplies, Specialty Care Transport, and Fire Inspections and adding fees to Appendix D.
- Q) Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 2, Section 2-128, to repeal the prerequisite for claimants to appear before city council prior to filing a lawsuit and update the address for receipt of claims against the city.
- R) Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Section 114-141 by adopting new fees for Road/Right of Way Excavation Permits and moving fees to Appendix D.
- S) Approval of the second and final reading of an amendment to the New Braunfels Code of Ordinances, Appendix D by adopting new fees for Camp Minnehaha and Fischer Park Nature Camp and adding fees to Appendix D.
- T) Approval of the second and final reading of an ordinance amending Chapter 144, Zoning, regarding temporary vending operations and mobile food courts.
- U) Approval of the second reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government

Approval of the Consent Agenda

**Mayor Linnartz read the aforementioned consent agenda ordinance items and noted that items C and D were pulled for individual consideration.**

**Councilmember Spradley motioned to approve the consent agenda with the exception of items C and D. Mayor Pro Tem Campos seconded the motion which passed unanimously.**

**2. INDIVIDUAL ITEMS FOR CONSIDERATION**

C-1) Approval of a contract with Lone Star Paving for the reconstruction of West San Antonio Street from Walnut Avenue to Academy Avenue and authorization for the City Manager to execute any change orders up to the contingency amount.

**David Warmke pulled this item for individual consideration.**

**Mayor Linnartz read the aforementioned item.**

**David Warmke addressed council and asked questions from staff.**

**Scott McClelland answered questions.**

**The following individuals spoke at this time: Jim Holster**

**Councilmember Spradley moved to approve this item. Councilmember Ryan seconded the motion which passed unanimously.**

D-1) Approval of a Guaranteed Maximum Price of \$1,854,561 with Trimbuilt Construction, Inc. for construction of the Fire Station #5 Renovation Project and approval of an owner's contingency of \$70,000.

**David Warmke pulled this item for individual consideration.**

**Mayor Linnartz read the aforementioned item.**

**David Warmke addressed council and asked questions from staff.**

**Scott McClelland answered questions.**

**Councilmember Labowski moved to approve this item. Councilmember Ryan seconded the motion which passed unanimously.**

A) Discuss and consider approval of a traffic calming plan on Howard Street.

**Mayor Linnartz read the aforementioned item.**

**Carly Farmer presented the item to council using a powerpoint and answered questions.**

**The following individuals spoke at this time: Vanessa Brown**

**Mayor Pro Tem Campos moved to approve this item. Councilmember Willis seconded the motion which passed unanimously.**

B) Discuss and consider approval of a traffic calming plan on Caddell Lane.

**Mayor Linnartz read the aforementioned item.**

**Carly Farmer presented the item to council using a powerpoint and answered questions.**

**The following individuals spoke at this time: Bria Mutch, Jane Smith**

**Councilmember Labowski moved to approve this item. Councilmember Willis seconded the motion which passed unanimously.**

C) Discuss and consider approval of the second and final reading of an ordinance adopting the FY 2025 Operating Budget and Plan of Municipal Services.

**Mayor Linnartz read the aforementioned item.**

**Karrie Cook presented the item to council using a powerpoint and answered questions.**

**Mayor Pro Tem Campos moved to approve the final reading of an ordinance adopting the Fiscal Year 2025 Operating Budget and Plan of Municipal Services including the Budget Order and attachments included in that order. Councilmember Spradley seconded the motion which passed unanimously.**

- D) Discuss and consider a resolution of the City of New Braunfels ratifying the increase in revenue generated by the 2024 property tax rate included in the FY 2025 Annual Budget.

**Mayor Linnartz read the aforementioned item.**

**Karrie Cook presented the item to council using a powerpoint.**

**The following individuals spoke at this time: David Warmke**

**Mayor Pro Tem Campos moved to ratify the property tax revenue increase reflected in the Fiscal Year 2025 Operating Budget and Plan of Municipal Services. Councilmember Spradley seconded the motion which passed unanimously.**

- E) Discuss and consider approval of the second and final reading of an ordinance adopting the 2024 ad valorem tax rates.

**Mayor Linnartz read the aforementioned item.**

**Karrie Cook presented the item to council using a powerpoint and answered questions.**

**Mayor Pro Tem Campos moved that the property tax rate be increased by the adoption of a tax rate of .408936 per \$100 of assessed taxable valuation, which is effectively an 2.7% increase in the tax rate, with .203928 for debt service and .205008 cents for operations and maintenance. Councilmember Spradley seconded the motion which passed unanimously.**

- F) Discuss and consider the approval of an ordinance authorizing the issuance of city of New Braunfels, Texas Tax Notes, Series 2024; levying an ad valorem tax in support of the notes; awarding the sale of the notes; approving an official statement, a paying agent/registrar agreement and other agreements relating to the sale and issuance of the notes; and ordaining other matters relating to the issuance of the notes.

**Mayor Linnartz read the aforementioned item.**

**Sandy Paulos and Ryan Samco presented the item to council using a powerpoint and answered questions.**

**The following individuals spoke at this time: David Warmke**

**Councilmember Spradley moved to approve this item. Councilmember Labowski seconded the motion which passed unanimously.**

- G) Discuss and consider approval of a resolution of the City of New Braunfels, Texas, authorizing the use of eminent domain proceedings for the acquisition of permanent easements and temporary construction easements that are necessary to advance and achieve the public use of expanding the New Braunfels Utilities' wastewater system, (the "McKenzie Interceptor Upgrade Project"), to increase sewer capacity to meet existing and future needs and ensure reliability, in the event negotiations are unsuccessful:
- a. Properties owned by N.B. Avery Park Homeowners Association, Inc:
    - i. a 0.296 Acre Permanent Utility Easement, a 0.044 Acre Temporary Construction Easement, and a 0.213 Acre Temporary Construction Easement (Guadalupe County Parcel No. 125092);
    - ii. a 0.632 Acre Permanent Utility Easement, a 0.312 Acre Temporary Construction Easement, and a 0.022 Acre Temporary Construction Easement (Guadalupe County Parcel Nos. 171818 and 171819);
  - b. Properties owned by Rockspring Saur LLC:
    - i. a 2.088 Acre Permanent Utility Easement and a 1.395 Acre Temporary Construction Easement (Guadalupe County Parcel Nos. 191564 and 108128);
  - c. Properties owned by GCP III St. Croix Landco, LLC:
    - i. a 1.937 Acre Permanent Utility Easement and a 1.127 Acre Temporary Construction Easement (Comal County Parcel Nos. 421640; 422735; and 441204); and
  - d. Property owned by MP New Braunfels, LLC:
    - i. a 1.846 Acre Permanent Utility Easement and a 0.847 Acre Temporary Construction Easement (Comal County Parcel No. 71650),

**Mayor Linnartz read the aforementioned item.**

**Ryan Kelso and NBU legal counsel presented the item to council using a powerpoint and answered questions.**

**The following individuals spoke at this time: David Warmke**

**Councilmember Spradley moved that the City of New Braunfels approve the resolution authorizing the use of the power of eminent domain to acquire:**

- a. **Properties owned by N.B. Avery Park Homeowners Association,**



Inc:

i. a 0.296 Acre Permanent Utility Easement, a 0.044 Acre Temporary Construction Easement, and a 0.213 Acre Temporary Construction Easement (Guadalupe County Parcel No. 125092);

ii. a 0.632 Acre Permanent Utility Easement, a 0.312 Acre Temporary Construction Easement, and a 0.022 Acre Temporary Construction Easement (Guadalupe County Parcel Nos. 171818 and 171819);

b. Properties owned by Rockspring Saur LLC:

i. a 2.088 Acre Permanent Utility Easement and a 1.395 Acre Temporary Construction Easement (Guadalupe County Parcel Nos. 191564 and 108128);

c. Properties owned by GCP III St. Croix Landco, LLC:

i. a 1.937 Acre Permanent Utility Easement and a 1.127 Acre Temporary Construction Easement (Comal County Parcel Nos. 421640; 422735; and 441204); and

d. Property owned by MP New Braunfels, LLC:

i. a 1.846 Acre Permanent Utility Easement and a 0.847 Acre Temporary Construction Easement (Comal County Parcel No. 71650);

to advance and achieve the public use of expanding the New Braunfels Utilities' wastewater system to increase sewer capacity to meet existing needs and to serve future growth and ensure reliability. Mayor Pro Tem Campos seconded the motion which passed unanimously.

H) Discuss and consider approval of a resolution authorizing any legal action necessary to remove the cemetery dedication by MP New Braunfels, LLC encumbering a 40.37 acre tract situated in the A.M. Esnaurizar Survey, Abstract Number 1, Comal County, Texas

**Mayor Linnartz read the aforementioned item.**

**Ryan Kelso and NBU legal counsel presented the item to council using a powerpoint and answered questions.**

**Mayor Pro Tem Campos moved that the City of New Braunfels approve the resolution authorizing the performance of all legal actions necessary to challenge, remove, and dissolve the Certificate of Perpetual Care Cemetery Dedication that MP New Braunfels, LLC recorded in the Real Property Records of Comal County, Texas. Councilmember Spradley seconded the motion which passed unanimously.**

I) Discuss and consider the second and final reading of an ordinance to

amend New Braunfels Code of Ordinances, Chapter 30, Section 30-52 by adopting new rental fees at the New Braunfels Civic & Convention Center and adding all fees to Appendix D.

**Mayor Linnartz read the aforementioned item.**

**Karrie Cook presented the item to council and answered questions.**

**Councilmember Labowski moved to approve this item. Councilmember Willis seconded the motion which passed unanimously.**

**3. EXECUTIVE SESSION**

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551, the City Council may convene in a closed session to discuss any of the items listed on this agenda. Any final action or vote on any executive session item will be taken in open session.

A) Deliberate and consider the purchase, exchange, lease, contract terms, due diligence, or value of real property, in accordance with Section 551.072 of the Texas Government Code:

1. TSTC Campus

B) Deliberate the appointment and employment of an interim Assistant City Attorney/Municipal Court Prosecutor in accordance with Section 551.074 of the Texas Government Code.

**The aforementioned executive session items were not read at this time.**

**4. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.**

**There was no action at this time.**

**ADJOURNMENT**

Mayor Linnartz adjourned at 7:23 p.m.

By: \_\_\_\_\_  
NEAL LINNARTZ, MAYOR

**Attest:**

\_\_\_\_\_  
GAYLE WILKINSON, CITY SECRETARY

**DRAFT - MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL - SPECIAL  
REGULAR MEETING OF MONDAY, SEPTEMBER 16, 2024**

**AGENDA**

**CALL TO ORDER**

Mayor Linnartz called the meeting to order at 5:00 p.m.

**CALL OF ROLL: CITY SECRETARY**

**Present** 7 - Mayor Neal Linnartz, Mayor Pro Tem Andres Campos, Councilmember Christopher Willis, Councilmember D. Lee Edwards, Councilmember Lawrence Spradley, Councilmember Mary Ann Labowski, and Councilmember April Ryan

**INVOCATION: COUNCILMEMBER WILLIS**

Councilmember Willis provided the invocation.

**PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG**

Mayor Linnartz led the Pledge of Allegiance and the Salute to the Texas Flag.

**PROCLAMATION**

A) Leukodystrophy Awareness Month

Mayor Linnartz read the aforementioned proclamation.

Members with the Believing for Bryleigh Foundation accepted the proclamation and addressed council.

B) Hunger Action Month

Mayor Linnartz read the aforementioned proclamation.

The San Antonio and New Braunfels Food Bank accepted the proclamation and addressed council.

C) Preparedness Month

Mayor Linnartz read the aforementioned proclamation.

The New Braunfels Office of Emergency Management and the Community Emergency Response Team accepted the proclamation and addressed council.

## **PRESENTATION**

A) Presentation, discussion, and update on the Mainzer Project  
**Mayor Linnartz read the aforementioned item.**

**Jeff Jewell presented the item to council using a powerpoint and answered questions.**

B) Presentation and update on the Land Development Ordinance and discussion regarding parking requirements.  
**Mayor Linnartz read the aforementioned item.**

**Christopher Looney presented the item to council using a powerpoint and answered questions.**

**The following individuals spoke at this time: Jonathan Alorda, Clarissa De Santo**

C) Presentation, update, and possible direction to staff on the West San Antonio Street roadway reallocation.  
**Mayor Linnartz read the aforementioned item.**

**Garry Ford presented the item to council using a powerpoint and answered questions.**

D) Presentation, update, and possible direction to staff on the Comal Avenue and East Faust Street bikeway facility design.  
**Mayor Linnartz read the aforementioned item.**

**Carly Farmer and Garry Ford presented the item to council using a powerpoint and answered questions.**

**The following individuals spoke at this time: Austin Buck, Jonathan Alorda, Wayne Peters**

1. **WORKSHOP**

**There were no items at this time.**

2. **EXECUTIVE SESSION**

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551, the City Council may convene in a closed session to discuss any of the items listed on this agenda. Any final action or vote on any executive session item will be taken in open session.

**There were no executive session items.**

3. **RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.**

**No action took place at this time.**

4. **ADJOURNMENT**

Mayor Linnartz adjourned at 7:09 p.m.

By: \_\_\_\_\_  
NEAL LINNARTZ, MAYOR

**Attest:**

\_\_\_\_\_  
GAYLE WILKINSON, CITY SECRETARY

9/23/2024

Agenda Item No. B)

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**PRESENTER:**

Valeria M. Acevedo, City Attorney

**SUBJECT:**

Approval of a contract with the Law Offices of Ryan Henry, PLLC., and approval of Ryan Henry, Justin Plescha and Jason Rammel to serve as interim prosecutors/assistant city attorneys.

**DEPARTMENT:** City Attorney’s Office

**COUNCIL DISTRICTS IMPACTED:** Citywide

**BACKGROUND INFORMATION:**

The City Charter delegates the hiring of attorneys to the city attorney with approval of the City Council. Section 8.04 provides in pertinent part: “The City Attorney or such other attorney selected by him/her with the approval of the City Council shall represent the City in all litigations and prosecutions in Municipal Court. There may be such Assistant City Attorneys as may be authorized by the City Council.” The city’s fulltime prosecutor/Asst. City Attorney (ACA), will be out on temporary leave beginning approximately late October 2024 - January 2025. In order to meet the legal needs of the municipal court and city staff, the city attorney is recommending hiring the Law Offices of Ryan Henry for interim legal services while the prosecutor is out. The main attorney who will be serving as interim is Justin Plescha, who resides in New Braunfels, with Jason Rammel and Ryan Henry serving as back-up, if needed.

**ISSUE:**

Interim services are necessary for the municipal court dockets and open records issues in the absence of the city’s full-time prosecutor/ACA.

**STRATEGIC PLAN REFERENCE:**

Economic Mobility  Enhanced Connectivity  Community Identity  
 Organizational Excellence  Community Well-Being  N/A  
Maintenance of efficient, effective, and high-quality services.

**FISCAL IMPACT:**

\$50,000 is an estimated cost, depending on the actual length of leave as well the actual number of hours spent assisting staff with open record related requests. Funding for this contract was included in the FY 2025 Budget, so sufficient funds are available.

**RECOMMENDATION:**

Staff recommends approval of this law firm for interim legal services.

9/23/2024

Agenda Item No. C)

**PRESENTER:**

Yvette Alvarado, Contract Coordinator

**SUBJECT:**

Approval to renew the following annual contracts, as allowed for by their contract language and in accordance with City Charter Section 9.17: Motorola Solutions, Westnet, Target/Vector Solutions, BoundTree, Revenue Optimization, Texas Municipal League, Bakers Heavy Equipment, Cesars Body Works, Christian Brothers, Bluebonnet Motors, N & L Best Deal, Dr. Tania Glenn, Brandfolder, Denton, Navarro, Rocha Bernal & Zech, RPS, Brown & Hofmeister, Catapult Health, D & D Contractors, Fischer Construction, Concrete Enterprise, Fuquay, Inc., D & M Owens, MAC Inc, Lonestar Paving, Intermountain Slurry, Viking Construction, Gruene Shredding, Inc., Siddons Martin, Tyler Technologies, Del Carmen Consulting,

**DEPARTMENT:** Finance**COUNCIL DISTRICTS IMPACTED:** Citywide**BACKGROUND INFORMATION:**

On November 14, 2016, the City Council provided consent for a quarterly review and approval of renewals for various annual contracts that occur throughout the course of a fiscal year which are routine in nature and in accordance with the terms and conditions of the associated awarded contracts (which were originally approved by City Council).

Quarterly approvals manage staff resources more efficiently as well as ensure compliance with the contracts' terms and conditions. Contract renewals that have any requested modifications, such as a significant increase or decrease in services or costs, will continue to be presented to City Council for individual consideration as needed.

The City Council has previously reviewed and approved the following annual contracts for various goods and services utilized for City operations; the contracts described below require Council authorization for contract renewal. All goods and services have been competitively vetted, and contracts have subsequently been executed on various dates in previous years. All awarded contractors have provided satisfactory performance during the term of their associated contracts. The quantity of services below is higher than our usual quarterly approvals given that we are about to begin a new fiscal year, which is when the majority or set for annual renewal.

Renewal of Annual Contract NB 15-066 for Bound Tree Medical LLC

City Department: Fire

Awarded Contractor: Bound Tree Medical LLC

Contract Term: October 1, 2025- renewed annually

Modified Contract Expiration Date: September 30, 2025

Approximate Annual Cost of Services During Renewal Period: \$450,000.00



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Renewal of Annual Contract NB 13-048 for Motorola Solutions/Spillman  
City Department: Police  
Awarded Contractor: Motorola Solutions/Spillman  
Contract Term: November 1, 2024 - renewed annually  
Modified Contract Expiration Date: October 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$190,000.00

Renewal of Annual Contract NB 13-049 for Revenue Optimization  
City Department: Fire  
Awarded Contractor: Revenue Optimization  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$20,000.00

Renewal of Annual Contract NB 20-034 for Westnet Fire Station Alerting System  
City Department: Fire  
Awarded Contractor: Westnet  
Contract Term: October 1, 2024- renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$50,000.00

Renewal of Annual Contract NB 21-001 for Vector/Target Solutions  
City Department: Fire  
Awarded Contractor: Vector/Target Solutions  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$46,000.00

Renewal of Annual Contract NB 24-034 for Siddons Martin Emergency Group  
City Department: Fire  
Awarded Contractor: Siddons Martin  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$350,000.00

Renewal of Annual Contract NB 22-009 for Bakers Heavy Equipment vehicle parts and repair services  
City Department: Citywide  
Awarded Contractor: Bakers Heavy Equipment  
Contract Term: October 1, 2024- renewed annually  
Modified Contract Expiration Date: September 30, 20254  
Approximate Annual Cost of Services During Renewal Period: \$15,000.00

Renewal of Annual Contract NB 22-010 forCesars Bodywork vehicle parts and repair services  
City Department: Citywide  
Awarded Contractor: Cesars Bodywork  
Contract Term: October 1, 2024 - renewed annually

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Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$55,000.00

Renewal of Annual Contract NB 22-010 for Bluebonnet Motors vehicle parts and repair services  
City Department: Citywide  
Awarded Contractor: Bluebonnet Motors  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$60,000.00

Renewal of Annual Contract NB 22-011 for Christian Brothers vehicle parts and repair services  
City Department: Citywide  
Awarded Contractor: Bluebonnet Motors  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$30,000.00

Renewal of Annual Contract NB 22-013 for N & L Best Deal vehicle parts and repair services  
City Department: Citywide  
Awarded Contractor: N & L Best Deal  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$30,000.00

Renewal of Annual Contract NB 22-021 for Dr. Tania Glenn & Assoc  
City Department: Fire & Police  
Awarded Contractor: Dr. Tania Glenn & Assoc  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$60,000.00

Renewal of Annual Contract NB 22-031 for Brandfolder  
City Department: Communications & Community Engagement  
Awarded Contractor: Brandfolder  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$15,000.00

Renewal of Annual Contract NB 22-044 for Denton, Navarro, Rocha, Bernal, & Zech PC  
City Department: Legal  
Awarded Contractor: Denton, Navarro, Rocha, Bernal, & Zech PC  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$20,000.00

Renewal of Annual Contract NB 22-101 for RPS-Traffic Impact Analysis  
City Department: Transportation & Capital Improvements

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Awarded Contractor: RPS  
Contract Term: August 1, 2024 - renewed annually  
Modified Contract Expiration Date: July 31, 2025  
Approximate Annual Cost of Services During Renewal Period: \$100,000.00

Renewal of Annual Contract NB 22-152 for Gruene Shredding  
City Department: City Sec  
Awarded Contractor: Gruene Shredding  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$6,000.00

Renewal of Annual Contract NB 23-034 for Brown & Hofmeister LLP  
City Department: Legal  
Awarded Contractor: Brown & Hofmeister LLP  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$20,000.00

Renewal of Annual Contract NB 23-198 for Bluebonnet Motors-Purchase of Vehicles  
City Department: Citywide  
Awarded Contractor: Bluebonnet Motors  
Contract Term: August 1, 2024 - renewed annually  
Modified Contract Expiration Date: July 31, 2025  
Approximate Annual Cost of Services During Renewal Period: \$1,200,000.00

Renewal of Annual Contract NB 1999-001 for Texas Municipal League  
City Department: Human Resources  
Awarded Contractor: Texas Municipal League  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$3,000,000.00

Renewal of Annual Contract NB 07-042 for Tyler Technologies Inc  
City Department: Police & Municipal Court  
Awarded Contractor: Tyler Technologies  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$60,000.00

Renewal of Annual Contract NB 21-008 for Del Carmen Consulting, Inc  
City Department: Police  
Awarded Contractor: Del Carmen Consulting, Inc  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$10,000.00

Renewal of Annual Contract NB 20-141 for D & D Contracts, Inc

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City Department: Public Works  
Awarded Contractor: D & D Contracts, Inc  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$50,000.00

Renewal of Annual Contract NB 20-142 for Fischer Construction  
City Department: Public Works  
Awarded Contractor: Fischer Construction  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$50,000.00

Renewal of Annual Contract NB 20-143 for Concrete Enterprise  
City Department: Public Works  
Awarded Contractor: Concrete Enterprise  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$50,000.00

Renewal of Annual Contract NB 20-144 for Fuquay Inc  
City Department: Public Works  
Awarded Contractor: Fuquay Inc  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$50,000.00

Renewal of Annual Contract NB 20-145 for D & M Owens  
City Department: Public Works  
Awarded Contractor: D & M Owens  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$50,000.00

Renewal of Annual Contract NB 20-146 for MAC Inc  
City Department: Public Works  
Awarded Contractor: Mac Inc  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$50,000.00

Renewal of Annual Contract NB 20-147 for Lonestar Paving  
City Department: Public Works  
Awarded Contractor: Lonestar Paving  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$1,100,000.00

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Renewal of Annual Contract NB 20-148 for Intermountain Slurry Seal, Inc  
City Department: Public Works  
Awarded Contractor: Intermountain Slurry Seal, Inc  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$50,000.00

Renewal of Annual Contract NB 20-149 for Viking Construction, Inc  
City Department: Public Works  
Awarded Contractor: Viking Construction, Inc  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$50,000.00

Renewal of Annual Contract NB 24-020 for Catapult Health  
City Department: Human Resources  
Awarded Contractor: Catapult Health  
Contract Term: October 1, 2024 - renewed annually  
Modified Contract Expiration Date: September 30, 2025  
Approximate Annual Cost of Services During Renewal Period: \$3,000.00

**ISSUE:** Strategic Priorities: Maintain fiscal stability of City operations.

**FISCAL IMPACT:**

Funding for all expenditures and contracts described above have been incorporated into the appropriate departmental/fund budgets. Therefore, sufficient funds are available.

**RECOMMENDATION:**

Staff recommends approval to renew the following annual contracts, as allowed for by their contract language and in accordance with City Charter Section 9.17 Motorola Solutions, Westnet, Target/Vector Solutions, BoundTree, Revenue Optimization, Texas Municipal League, Bakers Heavy Equipment, Cesars Body Works, Christian Brothers, Bluebonnet Motors, N & L Best Deal, Dr. Tania Glenn, Brandfolder, Denton, Navarro, Rocha Bernal & Zech, RPS, Brown & Hofmeister, Catapult Health, D & D Contractors, Fischer Construction, Concrete Enterprise, Fuquay, Inc., D & M Owens, MAC Inc, Lonestar Paving, Intermountain Slurry, Viking Construction, Gruene Shredding, Inc., Siddons Martin, Tyler Technologies, Del Carmen

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Consulting

9/23/2024

Agenda Item No. D)

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**PRESENTER:**

Sandy Paulos, Director of Finance

**SUBJECT:**

Approval of a contract with Crowe LLP for Financial Audit Services

**DEPARTMENT:** Finance

**COUNCIL DISTRICTS IMPACTED:** All

**BACKGROUND INFORMATION:**

The City's outside financial audits have been performed by Belt Harris Pechacek since 2017. Belt Harris Pechacek auditing services and associated staff was recently acquired by Crowe LLP. The firm and its staff are highly experienced in City audits and will provide in-depth support to the City. The auditing staff has over 30 years of Texas municipal audit experience and a high level of GFOA and TML participation. Associated staff acquired have proven to be a reliable firm with audits being performed in accordance with Section 3.13 of the City's Charter. This section requires an annual audit of the City's books and accounts.

Financial Audit Services are exempt from competitive procurement, thus staff recommends maintaining continuity of staff and services performing the audit.

The fees associated with this contract are:

Audit of Financial Statements \$62,418

Single Audit - Base Fee \$4,500

Single Audit - Per Major Program \$5,695

Total Contract Value: \$72,613

Factors such as additional audit requests may affect the total cost.

**ISSUE:**

City Charter requires that an audit be performed on an annual basis.

**STRATEGIC PLAN REFERENCE:**

Economic Mobility  Enhanced Connectivity  Community Identity

Organizational Excellence  Community Well-Being  N/A

**FISCAL IMPACT:**

The fees associated with the contract are included in the FY 2025 Budget, therefore sufficient funds are available.

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**RECOMMENDATION:**

Staff recommends approval of the contract with Crowe LLP for Financial Audit Services.



**9/23/2024**

Agenda Item No. E)

**PRESENTER:**

Barbara Coleman, Purchasing Manager

**SUBJECT:**

Approval of the purchase of vehicles from Reliable Chevrolet for the Police Department and approval to declare replaced units as surplus.

**DEPARTMENT:** Police Department

**COUNCIL DISTRICTS IMPACTED:** Citywide

**BACKGROUND INFORMATION:**

Staff is requesting the approval to purchase 15 Tahoes, which are a combination of replacement vehicles that are being retired from service and new vehicles for the Police Department to support new positions that were added to the organization as part of the FY 2025 budget. All replacement vehicles have been identified as either high priority or met the useful life of the given vehicle and is necessary for the Police Department operations.

# of Vehicles	Replace/New	Positions	Cost
11	Replacements	Various	\$563,255.11
3	New	SRO	\$153,615.03
1	Replacement	TML Claim (wreck)	\$51,530.01

As part of the 15 vehicles being requested, the Police Department has a unit (1706) that was involved in an accident in September 2023 and will be replaced with this order. The accident resulted in the unit being declared a total loss by Texas Municipal League (TML) on September 30, 2023. The total cost for the new unit will be \$51,530.01. The TML claim will cover a portion of the new unit cost, but not 100%.

All 15 Tahoes will be available for immediate purchase through Reliable Chevrolet using the Sheriff's Association of Texas contract through a cooperative agreement.

Additional vehicles will be requested in FY 2025 along with the required ancillary equipment needed prior to being placed in service. Staff will bring back to City Council the requested equipment purchases in FY 2025.

**ISSUE:**

Public Safety - Continue to ensure the protection of citizens' lives and property

**STRATEGIC PLAN REFERENCE:**

Economic Mobility  Enhanced Connectivity  Community Identity

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Organizational Excellence  Community Well-Being  N/A  
[Enter Objectives/Performance Measures Supported]

**FISCAL IMPACT:**

The FY 2025 Budget includes funding for these vehicles in the Equipment Replacement Fund, the 2024 Tax Notes, and the Child Safety Fund, therefore sufficient funds are available.

**RECOMMENDATION:**

Staff recommends approval of the vehicle purchases.

9/23/2024

Agenda Item No. F)

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**PRESENTER:**

Scott McClelland, Assistant Transportation and Capital Improvements Director

**SUBJECT:**

Approval of a contract with Jerdon Enterprise, LP for the construction of a segment of West Alligator Creek Trail and authorization for the City Manager to execute change orders up to the contingency amount.

**DEPARTMENT:** Transportation and Capital Improvements

**COUNCIL DISTRICTS IMPACTED:** 4

**BACKGROUND INFORMATION:**

The West Alligator Creek Trail Project includes approximately 1.1 miles of ten-foot-wide hike and bike trails, with pedestrian low water crossings and associated amenities along Alligator Creek from Goodwin Lane to the Oak Creek Estates neighborhood on either side of the creek. Planned amenities will include neighborhood connections with trail signage, seating areas, trash receptacles and mile markers.

On January 18, 2024 the New Braunfels Economic Development Corporation approved an expenditure of up to \$2,000,000 for the project. In addition, the City was awarded a Texas Parks and Wildlife recreational trails grant in the amount of \$298,200 to aid in construction costs.

The City of New Braunfels issued a competitive sealed proposal (CSP) bid solicitation on June 18, 2024 for the West Alligator Creek Trail project. On July 29, 2024 the City received 7 bids. Two contractors were brought in for interviews based on initial CSP scoring criteria. Jerdon Enterprise, LP was determined to be the best contractor for this project after the interviews concluded. Jerdon Enterprise, LP submitted a bid of \$1,508,209.

Staff recommends a 10 percent owner-controlled contingency of \$150,000 for a total construction budget of \$1,658,209.

**ISSUE:**

Continue an ongoing program of infrastructure, construction, and maintenance.

**STRATEGIC PLAN REFERENCE:**

- Economic Mobility  Enhanced Connectivity  Community Identity
- Organizational Excellence  Community Well-Being  N/A

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**FISCAL IMPACT:**

Construction funding for this project was allocated with a Texas Parks and Wildlife Department Grant and the New Braunfels Economic Development Corporation. Therefore sufficient funding is allocated within these funding sources.

**RECOMMENDATION:**

Approval of a \$1,508,209 construction contract with Jerdon Enterprise, LP for the construction of a segment of West Alligator Creek Trail and authorization for the City Manager to execute change orders up to a requested construction contingency of \$150,000.

9/23/2024

Agenda Item No. A)

**PRESENTER:**

Jeff Jewell, Economic and Community Development Director

**SUBJECT:**

Public hearing and first reading of an ordinance amending the Project Plan and Reinvestment Zone Financing Plan for the New Braunfels Downtown Tax Increment Reinvestment Zone #3; and other matters in connection therewith.

**DEPARTMENT:** Economic and Community Development**COUNCIL DISTRICTS IMPACTED:** 1, 5**BACKGROUND INFORMATION:**

In December 2021, the New Braunfels Downtown Tax Increment Reinvestment Zone Project & Finance Plan was finalized. The document identifies the establishment of the TIRZ 3, the project plan, eligible improvements, and a financing plan. Per Texas Tax Code Chapter 311.011(e), the TIRZ Zone Board at any time may adopt an amendment to the Project and Financing Plan consistent with the requirements and limitations of the Tax Code. The amendment takes effect on approval by the governing body of the municipality that created the zone.

This amendment includes changes to update the existing land uses, project plan improvements, and eligible project costs within the Zone - all as set forth and further described in the amended Project and Financing Plan attached to this agenda item. These additional changes are made to accommodate potential incentives and the transfer of property as allowed by state law for the NBU downtown site redevelopment, more commonly known as the Mainzer project.

The Mainzer project is the name given to the proposed redevelopment of the downtown NBU site. In 2020-2021, NBU underwent an extensive RFQ and RFP process for potential acquisition and redevelopment of the site. NBU terminated the negotiations in 2022 and since that time, the city now owns the property and staff is recommending the restart of negotiations with the same development team selected through the NBU process without issuing a new RFP. NBU's process was in depth and comprehensive and yielded a final selection that received the support of the selection team and other stakeholders.

The City intends to restart negotiations with the development team that could include the possible conveyance of the newly acquired property through a sale, lease or grant. Under Texas Local Government Code, Chapter 272, the law provides for public land conveyances without notice and bidding requirements in certain instances. Specifically, Section 272.001(b)(6) provides the ability to enter exclusive negotiations with the previously selected developer if the property is within a Tax Increment Finance Zone and is developed consistent with the TIRZ project plan as adopted by the city for the zone.

This action amends the project plan to include the reference specifically to a hospitality project within the project and finance plan to provide for the exception to exclusively negotiate as allowed by state law. The TIRZ 3 Board approved a resolution approving these changes at its September 11, 2024 regular meeting.

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**ISSUE:**

The existing TIRZ 3 Project and Finance Plan requires updates, and this ordinance adopts these amendments.

**STRATEGIC PLAN REFERENCE:**

Economic Mobility  Enhanced Connectivity  Community Identity  
 Organizational Excellence  Community Well-Being  N/A

**FISCAL IMPACT:**

There is no fiscal impact for this item.

**RECOMMENDATION:**

The New Braunfels City Council approve the first reading of this ordinance to approve the amended changes to the Project and Financing Plan.

**ORDINANCE NO. 2024-\_\_**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS APPROVING AN AMENDED PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR THE NEW BRAUNFELS DOWNTOWN TAX INCREMENT REINVESTMENT ZONE #3; AND OTHER MATTERS IN CONNECTION THEREWITH.**

**WHEREAS**, the City Council (the "Council") of the City of New Braunfels, Texas (the "City") passed and approved Ordinance No. 2021-70 on September 27, 2021, which designated the New Braunfels Downtown Tax Increment Reinvestment Zone #3 (the "Zone") pursuant to Section 311.005(a) of the Tax Increment Finance Act, Texas Tax Code, Chapter 311, as amended (the "Act"); and

**WHEREAS**, the Board of Directors of the Zone (the "Zone Board") prepared and adopted a New Braunfels Downtown Tax Increment Reinvestment Zone Project and Financing Plan (the "Project and Financing Plan") for the Zone in Reinvestment Zone Number pursuant to Section 311.011 of the Act; and

**WHEREAS**, the Council adopted Resolution No. 2021-R68 on December 13, 2021, approving the Project and Financing Plan pursuant to Section 311.011(d) of the Act; and

**WHEREAS**, pursuant to Section 311.011(e) of the Act, the Zone Board at any time may adopt an amendment to the Project and Financing Plan consistent with the requirements and limitations of the Act, which shall take effect upon approval by the Council in accordance with Section 311.011(e) of the Act; and

**WHEREAS**, on September 11, 2024, the Zone Board adopted an amended Project and Financing Plan to update the existing land uses, project plan improvements, and eligible project costs within the Zone, all as set forth and further described in the amended Project and Financing Plan (the "Amended Project and Financing Plan") attached hereto as Exhibit A and recommended that the City approve the Amended Project and Financing Plan; and

**WHEREAS**, the City desires to approve the Amended Project and Financing Plan pursuant to Section 311.011(e) of the Act attached as Exhibit A; and

**WHEREAS**, pursuant to the Act, the City must approve the Amended Project and Financing Plan by ordinance; and

**WHEREAS**, notice of a public hearing to be held on September 23, 2024, was duly published in the *New Braunfels Herald-Zeitung* in its issue dated September 10, 2024, in compliance with Section 311.003(e) of the Act; and

**WHEREAS**, a public hearing was held on September 23, 2024, at 6:00 p.m. in City Hall, New Braunfels, Texas (the "Hearing") to consider the Amended Project and Financing Plan at

which time the City provided a reasonable opportunity for protest in accordance with Section 311.003(d) of the Act; and

**WHEREAS**, the Council hereby finds and determines that the adoption of this Ordinance is in the best interests of the citizens of New Braunfels, Texas; and

**WHEREAS**, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:**

**SECTION 1.** The City, after conducting the Hearing and having heard such evidence and testimony, has made the following findings and determinations based upon the testimony presented:

- (a) That the Hearing on the proposed Amended Project and Financing Plan has been properly called, held and conducted and that notices of the Hearing have been published at least seven (7) days before the Hearing in a newspaper of general circulation in the City.
- (b) The Project and Financing Plan should be amended to update the existing land uses, project plan improvements, and eligible project costs within the Zone, all as set forth and further described in the Amended Project and Financing Plan attached as Exhibit A.

**SECTION 2.** The Project and Financing Plan is hereby amended to update the existing land uses, project plan improvements, and eligible project costs within the Zone, all as set forth and further described in the Amended Project and Financing Plan attached as Exhibit A.

**SECTION 3.** The Council hereby approves the Amended Project and Financing Plan attached as Exhibit A.

**SECTION 4.** The officers of the City are authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the actions authorized hereby and the intent hereof.

**SECTION 5.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**SECTION 6.** All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.



**SECTION 7.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**SECTION 8.** If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, as if such invalid provision had never appeared herein, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

**SECTION 9.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

**SECTION 10.** This Ordinance shall be in force and effect from and after its final passage and it is so ordained.

*[The remainder of this page intentionally left blank.]*

FIRST READING on the \_\_ day of \_\_\_\_\_, 2024.

SECOND AND FINAL READING, PASSED, AND ADOPTED on the \_\_ day of \_\_\_\_\_, 2024.

CITY OF NEW BRAUNFELS

\_\_\_\_\_  
Neal Linnartz, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Wilkinson, City Secretary  
(City Seal)

APPROVED AS TO FORM:

\_\_\_\_\_  
Valeria Acevedo, City Attorney

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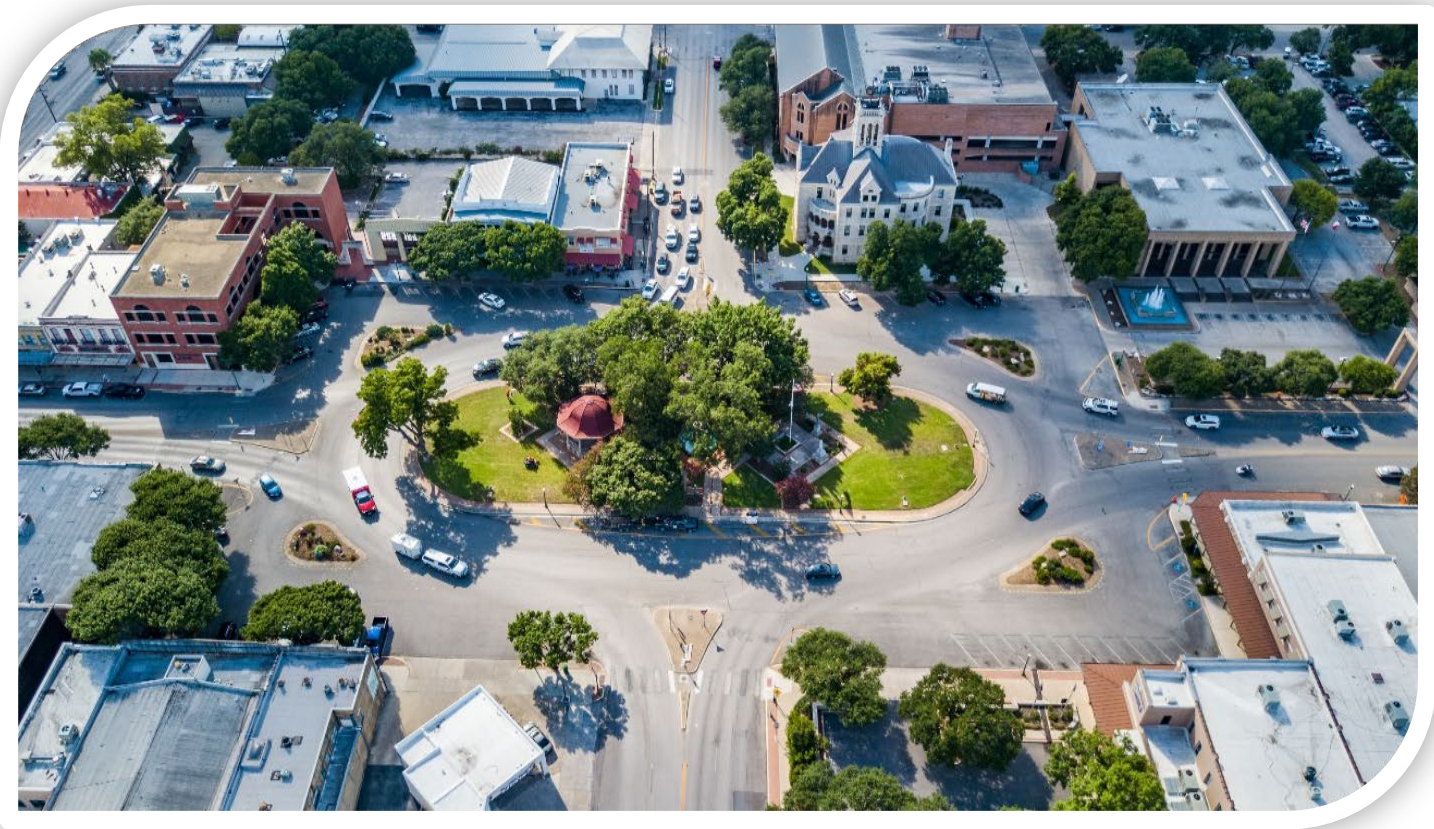
Exhibit A

New Braunfels Downtown  
Tax Increment Reinvestment Zone  
Project & Financing Plan

City of New Braunfels, Texas December 13, 2021

Amended August 12, 2024

Amended \_\_\_\_\_, 2024



## CONTENTS

Project Plan .....	1
Overview .....	1
Existing Tax Increment Financing Districts in the City of New Braunfels .....	1
Description of Tax Increment Reinvestment Zone #3 .....	1
Table 1: Existing Land Use of Proposed TIRZ #3.....	2
Existing Zoning and Land Use Guidelines Applicable to TIRZ #3 .....	4
Taxing Jurisdictions Applicable to TIRZ .....	4
Proposed Changes in Master Plans, Zoning Ordinances, and Building Codes .....	4
Relocation of Displaced Persons.....	4
Project Plan Improvements.....	5
Eligible Project Costs.....	6
1. Public Infrastructure Improvements .....	6
2. Economic Development Incentives .....	6
3. Parking Improvements .....	6
4. Administration & Implementation .....	6
Summary of Project Costs.....	6
Financing Plan .....	7
Compliance & Reporting .....	7
Public Sector Entities Participating in TIRZ #3.....	7
Financial Forecast Assumptions.....	7
Financial Forecast Summary Results.....	8
Conclusion.....	9
Appendix – Parcels within TIRZ #3.....	10
TABLE 1: EXISTING LAND USE OF PROPOSED TIRZ #3 .....	2
TABLE 2: DOWNTOWN DEVELOPMENT COSTS FUNDED BY TIRZ #3 .....	5
TABLE 3: PRELIMINARY TIRZ #3 FORECAST FOR CITY CONTRIBUTION .....	8
TABLE 4: PARCELS WITHIN PROPOSED TIRZ #3 .....	10
FIGURE 1: PROPOSED TIRZ #3 GEOGRAPHIC BOUNDARY .....	3

## PROJECT PLAN

### OVERVIEW

The City of New Braunfels, Texas has implemented a tax increment reinvestment zone (TIRZ) to fund redevelopment projects and programs in Downtown New Braunfels. The is named TIRZ #3 – Downtown Tax Increment Reinvestment Zone (TIRZ #3).

This Project and Financing Plan for TIRZ #3 (the “Project and Financing Plan”) is designed to meet the legal requirements of designating a TIRZ. The statutes governing tax increment financing are located in Chapter 311 of the State of Texas Tax Code (the “Act”).

Pursuant to Section 311.011(e) of the Act, an amendment to the Project Plan and Financing Plan (the "Amendment to Project and Financing Plan") was adopted by the TIRZ No. 3 Board on September \_\_\_\_, 2024 and approved by the City on \_\_\_\_, 2024 to update the existing land use of TIRZ #3 as shown in Table 1 herein and the development costs funded by TIRZ #3 as shown in Table 2 herein. Except as amended by the revised exhibits attached hereto, the Project Plan and Reinvestment Zone Financing Plan for the TIRZ remains unchanged and in full force and effect.

### EXISTING TAX INCREMENT FINANCING DISTRICTS IN THE CITY OF NEW BRAUNFELS

There are two existing City of New Braunfels TIRZs. The first is the Creekside TIRZ (TIRZ #1) and the second is the Rivermill TIRZ (TIRZ#2). Under Chapter 311 of the Texas Tax Code, cities with fewer than 100,000 residents may not create a new TIRZ if the total appraised value of taxable real property in the proposed reinvestment zone and in the existing reinvestment zones would exceed 50.0 percent of the total appraised value of taxable real property within the city and its industrial districts. In addition, a TIRZ may not be created if more than 30.0 percent of the property in the proposed new reinvestment zone is used for residential purposes at the time of designation. The proposed TIRZ #3 complies with these state rules.

### DESCRIPTION OF TAX INCREMENT REINVESTMENT ZONE #3

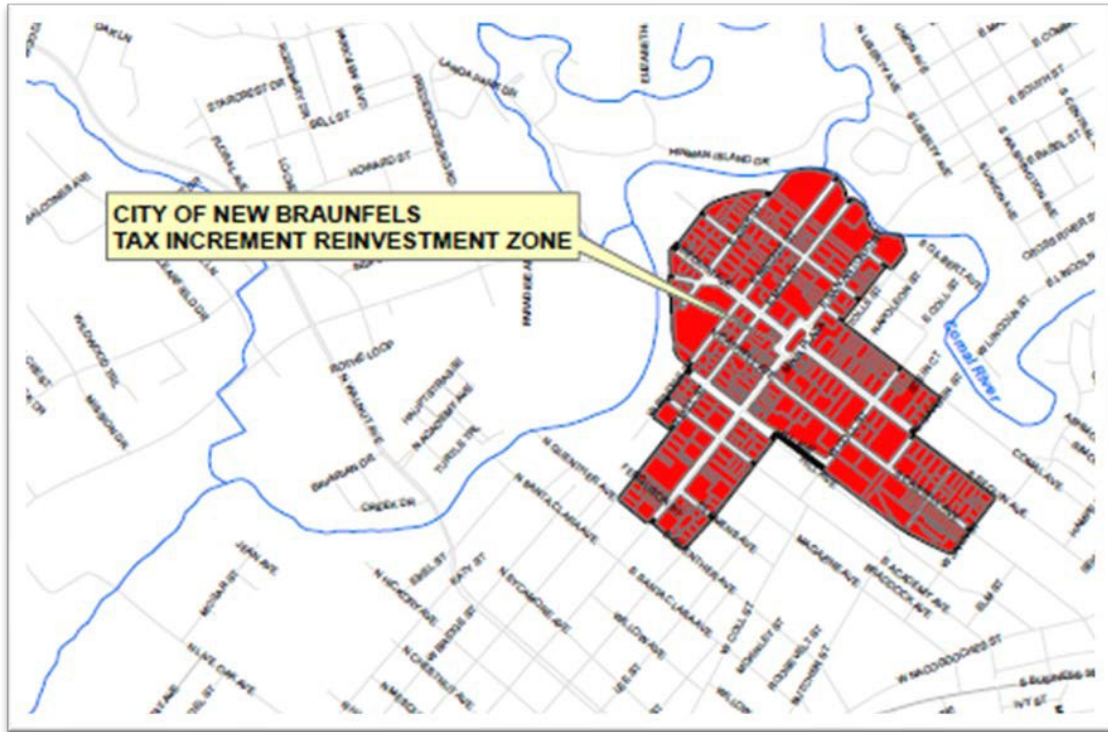
The proposed TIRZ #3 will cover approximately 183 acres (including roads and right of way). The 2021 baseline taxable property value of the TIRZ is \$ 141,765,876.00.

TABLE 1: EXISTING LAND USE OF TIRZ #3

Land Use	Parcel Count	Acres	Percentage of Zone
Commercial	172	61.99	33.77%
Exempt	54	38.62	21.04%
Industrial and Manufacturing	8	8.94	4.87%
Multi-Family Residential	2	0.40	0.22%
ROW	1	42.38	23.09%
Single Family Residential	111	27.28	14.86%
Utilities	3	3.37	1.84%
Vacant Lots and Tracts	4	0.60	0.32%
<b>TOTAL AREA</b>	<b>355</b>	<b>183.58</b>	<b>100.00%</b>
Non-public ownership		99.21	54.04%
Public ownership* <i>*Includes City of New Braunfels, Comal County, ROW, Utilities, and religious entities</i>		84.37	45.96%
Total Residential		27.68	15.08%
Maximum Residential		55.074	30%

Source: City of New Braunfels Existing Land Use Map

Figure 1: TIRZ #3 Geographic Boundary





## BOARD COMPOSITION

The TIRZ #3 Board shall be comprised of seven (7) members appointed by the New Braunfels City Council and to the greatest extent possible shall include five (5) property owners from within the TIRZ#3 boundaries and two at-large members (residing in Comal County or adjacent counties). These Board members shall serve 2-year staggered terms.

The duties of the TIRZ No. 3 Board will include making recommendations to the City Council concerning the administration, management, and operation of the Zone. The Board shall perform all duties imposed upon it by Chapter 311 of the Texas Tax Code and all other applicable laws.

## EXISTING ZONING AND LAND USE GUIDELINES APPLICABLE TO TIRZ #3

Existing City of New Braunfels land use, zoning guidelines, and policies would apply to all properties within the city limits.

## TAXING JURISDICTIONS APPLICABLE TO TIRZ

The proposed TIRZ #3 is located within the following taxing jurisdictions:

- City of New Braunfels
- Comal County
- New Braunfels ISD

## PROPOSED CHANGES IN MASTER PLANS, ZONING ORDINANCES, AND BUILDING CODES

There are no current master plans or anticipated changes to master plans or zoning ordinances.

## RELOCATION OF DISPLACED PERSONS

This plan currently does not call for nor anticipate the displacement and relocation of persons for the proposed projects.

## PROJECT PLAN IMPROVEMENTS

TIRZ #3 will provide support for catalytic infrastructure and incentives that will facilitate the redevelopment of the Downtown area. The Downtown area faces barriers to continued redevelopment as much of the pedestrian infrastructure in the zone is insufficient. Additionally, new development in the zone has been stifled due to a lack of convenient and adequate parking given the built-out nature of the development pattern. Finally, aging building systems and utility connections are a barrier to redevelopment as the majority of the existing building stock was constructed over 50 years ago and is out of compliance with modern requirements such as building codes, life safety, and Americans with Disabilities Act (ADA) access requirements.

Public infrastructure investments and additional enhancements are required to successfully redevelop the TIRZ #3 area. In addition, other projects might be added to the list as future development projects and related opportunities present themselves.

**Table 2: Downtown Development Costs Funded by TIRZ #3**

Project	Cost	Description
Public Infrastructure Improvements	\$7,500,000	Sidewalk construction/repair, installation of bicycle facilities, pedestrian amenities, enhanced crossings, roadway restriping and reconfiguration, and other right-of-way improvements with direct community benefits
Economic Development Incentives	\$4,000,000	Environmental remediation, interior/exterior demolition, historic façade restoration improvements/ easements and fire safety improvements/grants  Land and Construction costs including equipment and infrastructure, and other eligible project costs as may be more particularly described in this Project and Finance Plan
Parking Improvements	\$2,000,000	Land assembly/leases/and other projects that subsidize or otherwise provide public parking in strategic areas
Administration and Implementation	\$1,000,000	

## ELIGIBLE PROJECT COSTS

### 1. PUBLIC INFRASTRUCTURE IMPROVEMENTS

This category includes TIRZ-eligible expenditures for improvements to local streets and City Right of Way, including paving, utility infrastructure upgrades/relocation (water, wastewater, storm water), burial of overhead utilities as well as lighting improvements, street trees/planters, and sidewalk improvements for enhancing pedestrian linkages between throughout the historic downtown core.

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### 2. ECONOMIC DEVELOPMENT INCENTIVES

Downtown New Braunfels has several buildings that contribute to the character and fabric of the community, but these buildings sometimes are financially unfeasible to properly redevelop because of the cost of environmental remediation of asbestos, lead-based paint and other contaminants, interior and exterior demolition costs, façade improvement costs and fire and ADA accessibility issues. Interior and exterior demolition expenses are tied directly to the remediation expenses. These costs are TIRZ- eligible expenditures. Remediation of environmentally hazardous materials and associated improvements, using TIRZ funds, greatly improves the marketability of these buildings. This budget category is necessary for attracting highly desired mixed-use and adaptive reuse projects to the Downtown TIRZ, including attracting new retail, office, hospitality and residential uses, including hotels, food and beverage, entertainment, and multifamily uses. Historic façade improvements and new construction under this program will be reviewed for compliance with any adopted design standards to ensure compatibility with other improved structures and investment in the Downtown area. Other eligible expenses include economic development incentives that could include the sale, transfer, or lease of land or contribution of TIRZ funds to offset public improvements costs to encourage development which diversifies the economy of the zone, grows property values and long-term property tax collections; and lessens the cost of private development by providing reimbursement for qualified public improvements. In accordance with the City's adopted TIRZ Policies, the Board may undertake projects that support economic development incentives in accordance with the Tax Code sections 311.010 (b) and (h) and Local Government Code, Chapter 380. The TIRZ #3 Board and the City may also establish and provide for the administration of programs for the purpose of developing or expanding transportation, business, and commercial activity in TIRZ #3.

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### 3. PARKING IMPROVEMENTS

Downtown New Braunfels' growth in business activity, visitors, and resident population has created additional pressure on parking availability in Downtown. The city's planned parking updates and public transit will bring challenges and opportunities to Downtown visitors, residents, and employees. TIRZ funds may be used to acquire, construct, reconstruct, or install parking facilities such as a public lot, publicly-owned parking garage, parking terminal or other structure or accommodation for parking motor vehicles off the street. This includes

equipment, entrances, exits, fencing, and other accessories needed for safety and convenience. Privately-owned parking facilities may also be leased or improved for public or Downtown employee use.

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#### 4. ADMINISTRATION & IMPLEMENTATION

Administration costs, including reasonable charges for time spent by City of New Braunfels employees, will be eligible for reimbursement as project costs. Administration costs are estimated at \$40,000 per year.

#### SUMMARY OF PROJECT COSTS

The total estimated cost of TIRZ #3 public infrastructure investment in the district is approximately \$7,500,000.

## FINANCING PLAN

Tax increment financing is a tool used by local governments to publicly finance needed infrastructure and other improvements within a defined area. These improvements are usually undertaken to promote the viability of existing businesses and to attract new commercial enterprises to the area. The statutes governing tax increment financing are located in Chapter 311 of the State of Texas Tax Code.

The costs of improvements in the defined zone are repaid by the contribution of future property tax revenues by each taxing unit that levies taxes against the property. Specifically, each taxing unit can choose to dedicate all, a portion, or none of the tax revenue that is attributable to the increase in property values due to the improvements within the reinvestment zone. Cities can also designate a portion of sales tax. The additional tax revenue that is received from the affected properties is referred to as the tax increment. Each taxing unit determines what percentage of its tax increment, if any, it will commit to repayment of the cost of financing the public improvements.

## COMPLIANCE & REPORTING

The TIRZ Board policies shall comply with all federal, state, and local laws, rules and regulations. The TIRZ Board will submit project status reports and financial reports as required by state law.

## PUBLIC SECTOR ENTITIES PARTICIPATING IN TIRZ #3

All project costs will be paid through the contribution of incremental property tax collections. This preliminary plan assumes that the City of New Braunfels will contribute a portion of their total tax rate (maintenance and operations (M&O) and interest and sinking (I&S) ad valorem tax rate for 25 years. The proposed TIRZ #3 does not include any sales tax increment.

## FINANCIAL FORECAST ASSUMPTIONS

- **TIRZ Duration** – It is assumed the TIRZ will have a 25-year lifespan.
- **TIRZ Allocation** – assumes that the City of New Braunfels will contribute 85% of their total incremental property tax collections.
- **Tax Rate** – While tax rates do change over time, the 2021 tax rates were held constant for the purposes of forecasting anticipated property tax revenue for the duration of the TIRZ.
- **Existing Properties** – The 2021 baseline property value of the TIRZ is approximately \$168 million but varies slightly by taxing jurisdiction based on exemptions offered.
- **Real Property** – Only taxable real property values are included in the tax increment calculations. By law, business personal property values are excluded from TIRZ.
- **Inflation & Appreciation Rate** – The inflation rate used for the value of improvements is 5.0 percent per year.

- **Net Present Value** – The net present values of the tax increment were calculated at a discount rate of 5.0 percent.
- **Future Development Patterns** – These assumptions do not include adjustments for future development. It is anticipated that TIRZ improvements will induce an organic growth in property values through induced development. These developments are currently undefined, and their value is not known. It is noted that the values shown in this plan are a conservative estimate and it is somewhat likely that revenues will exceed those presented in this forecast.

## FINANCIAL FORECAST SUMMARY RESULTS

The following table depicts the anticipated revenue generated over 25 years. The revenue forecast shows the TIRZ was established in 2021 (baseline year). The first TIRZ increment occurred in 2022.

**Table 3: Preliminary TIRZ #3 Forecast for City Contribution**

Calendar Year	Projected Tax Collections	Available for Fiscal Year Ending 30-Sep
2021	\$0	2022
2022	\$32,705	2023
2023	\$67,044	2024
2024	\$103,101	2025
2025	\$140,961	2026
2026	\$180,713	2027
2027	\$222,454	2028
2028	\$266,281	2029
2029	\$312,299	2030
2030	\$360,619	2031
2031	\$411,355	2032
2032	\$464,627	2033
2033	\$520,563	2034
2034	\$579,295	2035
2035	\$640,965	2036
2036	\$705,718	2037
2037	\$773,708	2038
2038	\$845,098	2039
2039	\$920,057	2040
2040	\$998,765	2041
2041	\$1,081,408	2042
2042	\$1,168,183	2043

2043	\$1,259,296	2044
2044	\$1,354,966	2045
2045	\$1,455,419	2046
<b>Total</b>	<b>\$14,865,599</b>	<b>2046</b>

## CONCLUSION

Based on the preliminary development plans for this area and anticipated tax revenue, a TIRZ is economically and financially feasible. The TIRZ should generate revenue to pay for infrastructure and redevelopment costs. Over the next 25 years, the TIRZ could generate approximately \$14.8 million to fund target improvements and incentives.

These projections are based on the best available datasets and information related to market conditions in the region. Given the high visibility of this area, for example, the substantial commitment of a few large developers could have a significantly positive impact on both the level and timing of future growth. Moreover, the financial projections make no allowance for positive spillover to the value of other properties in area as a result of new development (beyond inflation), which easily could occur. At the same time, a slowdown in development as a result of a weaker national economy, negative changes in key drivers of regional economy, or other unforeseen issues could materially reduce the volume of construction put in place, and resulting tax revenue, over the next 25 years.



**APPENDIX – PARCELS WITHIN TIRZ #3**

**Table 4: Parcels within Proposed TIRZ #3 (Listed by Property ID Number)**

0	73	164	515	885	954	1008	1459
1	74	165	828	886	955	1009	1461
2	75	167	829	887	956	1010	1462
3	76	168	830	888	957	1011	1463
4	77	200	831	889	958	1012	1464
5	78	202	832	890	959	1013	1465
6	80	203	833	891	960	1014	24297
7	82	204	834	892	961	1016	30483
8	83	205	835	893	962	1024	37068
9	84	206	836	894	963	1026	44893
31	85	207	837	896	965	1027	44893
32	86	208	839	898	966	1028	44895
33	87	211	840	899	967	1029	54551
35	88	212	841	900	968	1030	137586
36	89	213	842	906	970	1032	145956
37	90	214	843	907	971	1034	152413
38	91	215	845	908	972	1035	378489
39	92	216	846	909	973	1037	378490

40	93	218	847	910	974	1038	378760
41	94	220	848	911	975	1040	410103
42	95	272	849	912	976	1042	431520
44	96	273	850	913	977	1044	431521
45	98	274	851	914	978	1045	431522
45	99	276	852	915	979	1046	431524
46	100	278	854	916	980	1047	431525
47	102	279	855	917	981	1048	
48	103	280	856	920	982	1049	
49	104	281	857	922	984	1050	
50	105	282	858	923	985	1051	
51	146	283	859	924	986	1292	
52	147	284	862	925	987	1435	
53	148	285	863	926	988	1436	
54	149	286	864	927	989	1438	
55	150	287	868	928	994	1440	
57	151	288	870	930	995	1441	
58	152	289	871	931	996	1442	
59	153	290	873	932	997	1443	
60	154	291	874	933	998	1445	

61	155	292	875	934	999	1446
62	156	293	876	935	1000	1447
64	157	294	877	936	1001	1448
65	158	295	878	937	1002	1449
66	159	296	879	939	1003	1450
68	160	297	880	950	1004	1453
69	161	298	881	951	1005	1456
70	162	299	882	952	1006	1457
72	163	300	883	953	1007	1458





MARK	DATE	DESCRIPTION

CITY OF NEW BRAUNFELS

**DOWNTOWN TIRZ  
 TAX INCREMENT  
 REINVESTMENT ZONE**

Project No.: 040.033  
 Designed By: DT  
 Cartography By: DT  
 Checked By: AL

METES AND BOUNDS DESCRIPTION  
FOR A 182.91 ACRE TRACT  
CITY OF NEW BRAUNFELS TAX INCREMENT REINVESTMENT ZONE (TIRZ)

Being a Political Boundary Description for 182.91 acres of land located within the Juan Martin De Veramendi Survey, A-2, in the City of New Braunfels, Comal County, Texas. Said boundary is comprised of 359 parcels of land and being more particularly described as follows:

BEGINNING at a point in the Southeast line of West Mill Street at it's intersection with an alley for the West corner of Lot 10, Block 44, New City Block (NCB) 3002, conveyed to the Patricia Blankenship Wyatt Revocable Trust, recorded in Document No. 201906022022 of the Official Public Records of Comal County Texas, Prop Id. 1051;

THENCE with the Northwest line of said Lot 10, NCB 3002, Lot 9 conveyed to Suzanne Marie Slovak, recorded in Document No. 201406034073 of the Official Public Records of Comal County Texas, Prop Id. 1050 and Lot 8 conveyed to Susan c. Milburn, recorded in Volume 204, Page 716 of the Comal County Deed Records, Prop Id. 1049, North 38°26'24" East, a distance of 262.81 feet to a point for the North corner of said Lot 8 and the West corner Ferguson Street (25' R.O.W.);

THENCE continuing with the Southeast line of West Mill Street, crossing Ferguson Street, North 38°33'11" East, a distance of 25.02 feet to a point for the North corner of Ferguson Street and the West corner of Lot 7, NCB 3001, conveyed to Celeste M. Forres, recorded in Document No. 200506003047 of the Official Public Records of Comal County Texas, Prop Id. 1030;

THENCE continuing with the Southeast line of West Mill Street, and the North line of NCB 3001, along the West line of the following five properties,

1. said Lot 7, NCB 3001
2. the property conveyed to First Methodist Church in Volume 422, Page 795 of the Comal County Deed Records, Prop Id. 1024,
3. Lot 12 conveyed to First United Methodist Church of New Braunfels, recorded in Document No. 201106032720 of the Official Public Records of Comal County, Texas, Prop Id. 1032,
4. Lot 14, conveyed to Leslie J. Lammers and Thomas E. Tumlinson recorded in Document No. 201706033702 of the Official Public Records Comal County Texas, Prop Id. 1034,
5. Lot 15, conveyed to Neil & Debbie Jo Allen, recorded in Document No. 201606021969 of the Official Public Records of Comal County Texas, Prop Id. 1035, North 38°17'23" East, a distance of 629.02 feet to a point for the North corner of said Lot 15;

THENCE crossing West Mill Street (66.66' R.O.W.) North 52°50'56" West, a distance of 66.51 feet to a point for the South corner Lot 216, NCB 3020, owned by New Braunfels Independent School District, no recording information found, Prop Id. 1292, and the East corner of Lot E NCB 3020;

THENCE with the Southwest line of Lot 216 and the Northeast line of Lot E and F, NCB 3020, North 52°57'12" West, a distance of 189.08 feet to a point in the Southeast line of West Bridge Street for the West corner of Lot 216 and the North corner of Lot F, NCB 3020;

THENCE with the Southeast line of West Bridge Street and the Northwest line of Lot 215 and Lot 215, owned by New Braunfels Independent School District, Prop Id. 1292, North 37°56'42" East, a distance of 195.27 feet to a point for the North corner of said Lot 215 and the West corner of North Academy Avenue;

THENCE with the Southeast line of West Bridge Street, crossing North Academy Ave (66.66' R.O.W.), North 37°50'05" East, a distance of 65.00 feet to a point for the West corner of a portion of Lot 103, NCB 2010 conveyed to Mary Ann Autry, recorded in Volume 141, Page 266 of the Comal County Deed Records, Prop Id. 924 and the North corner of North Academy Avenue;

THENCE continuing with the Southeast line of West Bridge Street, and the Northwest line of NCB 2010, the following 3 tracts,

1. said portion of Lot 103,
2. a portion of Lot 104, conveyed to James E. Glasgow Jr. and Carolyn M. Glasgow, recorded in Document No. 202006020515 of the Official Public Records of Comal County Texas, Prop Id. 925,
3. a portion of Lot 105, conveyed to Carr 2 Casa, LLC, recorded in Document No. 202106001621 of the Official Public Records of Comal County Texas, Prop Id. 927, North 37°46'59" East, a distance of 274.04 feet to a point for the North corner of said Lot 105, lying in the Southwest line of the Mo Pac Railroad (100' R.O.W.);

THENCE continuing with the Southeast line of West Bridge Street, crossing said Mo Pac Railroad R.O.W., North 37°46'58" East, a distance of 100.00 feet to a point in the Northeast Mo Pac Railroad R.O.W. for the West corner of Lot 107, NCB 2010, no deed information found, Prop Id. 931;

THENCE crossing West Bridge Street (66.66' R.O.W.), North 38°48'47" West, a distance of 66.82 feet to a point for the South corner of NCB 2011, a tract of land conveyed to Hilmar W. Rust, recorded in Volume 417, Page 786, Comal County Deed Records, Prop Id. 939;

THENCE with the West line of said Rust property, the following three calls:

- 1.) North 52°00'00" West, a distance of 109.44 feet to a point;
- 2.) North 24°46'30" West, a distance of 95.05 feet to a point;
- 3.) North 38°42'00" East, a distance of 48.50 feet to a point for the North corner of said Rust property, lying in the Southwest line of Lot 1, Block 1, Sts. Peter and Paul Catholic Church Subdivision, recorded in Volume 12, Page 233 of the Map Records of Comal County Texas, Prop Id. 54551;

THENCE with the West line of said Lot 1, North 52°00'00" West, a distance of 32.29 feet to a point in the East line of the M & KT Railroad R.O.W.;

THENCE with the East line of said railroad and the East line of Lot 1, Sts. Peter and Paul Subdivision and a tract conveyed to the Archbishop of San Antonio, recorded in Volume 152, Page 205 of the Comal County Deed Records, Prop Id. 1014, the following two calls:

- 1.) North 09°02'53" West, a distance of 140.44 feet to a point



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TBPE-FIRM F-10961  
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- 2.) North 02°00'58" West, a distance of 357.85 feet to a point for the North corner of said Prop Id. 1014, lying in the South line of a tract conveyed to the Archbishop of San Antonio, recorded in Volume 614, Page 563 of the Comal County Deed Records, Prop. Id. 1016;

THENCE with the West line of said Prop Id. 1016, the following two calls:

- 1.) North 74°48'08" West, a distance of 21.53 feet to a point;
- 2.) North 02°44'13" West, a distance of 166.08 feet to a point for the North corner of said Prop. Id 1016, lying in the South line of Landa Street - State Highway 46 (60' R.O.W.);

THENCE crossing Landa Street-State Highway 46, North 18°34'25" East, a distance of 60.12 feet to a point for the Southwest corner of NCB 2018, a 0.436 of an acre tract conveyed to Hayes & Reno, LLC, recorded in Document No. 200406038372 of the Official Public Records of Comal County, Texas, Prop Id. 1012;

THENCE with the West line of said 0.436 acre tract, NCB 2018 and the East line of said M & KT Railroad R.O.W., North 02°25'50" West, a distance of 248.35 feet to a point for the Northwest corner of said 0.436 of an acre tract, NCB 2018, lying in the Southwest line of North Seguin Avenue;

THENCE crossing North Seguin Avenue (93.72' R.O.W.), North 57°10'49" East, a distance of 99.52 feet to a point for the West corner of NCB 2017, Lot 4A, conveyed to Agile Key, LLC, recorded in Document No. 202006024772 of the Official Public Records of Comal County Texas, Prop Id 999, at the Southeast intersection of Meusebach Street and North Seguin Avenue;

THENCE with the Southwest line of Meusebach Street and the Northwest line of NCB 2017, and the Northwest line of the following 4 tracts,

1. said Lot 4A,
2. a portion of Lot 4, conveyed to Charles W. and Catherine Reger, recorded in Document No. 201406011069, of the Official Public Records of Comal County, Texas, Prop Id. 1000,
3. a portion of Lot 5, conveyed to Hayes & Reno, LLC, recorded in Document No. 200906007159 of the Official Public Records of Comal County Texas, Prop Id. 1001,
4. a portion of Lots 5 and 6, conveyed to Matthew Pusateri and Katherine Lynch, recorded in Document No. 202006005968 of the Official Public Records of Comal County Texas, Prop Id. 1002, North 38°01'54" East, a distance of 382.05 feet to a point for the North corner of NCB 2017, lying in the Southwest line of North Market Street;

THENCE with the Southeast line of Meusebach Street, crossing North Market Avenue (66.66' R.O.W.) North 34°23'13" East, a distance of 61.83 feet to a point for the West corner of Lot 32R, NCB 2016, a subdivision recorded in Document No. 201706014260 of the Official Public Records of Comal County Texas, Prop Id. 981, being the West corner of the intersection of Meusebach and North Market Street;

THENCE with the West line of NCB 2016, said Lot 32R and the Southeast line of a railroad spur track, the following eleven calls:

- 1.) North 38°10'09" East, a distance of 24.58 feet to a point;
- 2.) North 51°34'56" East, a distance of 13.45 feet to a point;
- 3.) North 51°34'57" East, a distance of 7.29 feet to a point;



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- 4.) North 55°34'35" East, a distance of 9.80 feet to a point;
- 5.) North 55°34'35" East, a distance of 37.97 feet to a point;
- 6.) North 59°05'47" East, a distance of 47.58 feet to a point;
- 7.) North 65°09'32" East, a distance of 32.79 feet to a point;
- 8.) North 65°09'32" East, a distance of 16.33 feet to a point;
- 9.) North 71°08'49" East, a distance of 47.93 feet to a point;
- 10.) North 73°25'53" East, a distance of 48.98 feet to a point;
- 11.) North 74°40'15" East, a distance of 131.63 feet to a point for the North corner of said Lot 32R and the a Northwest corner of a portion of Lot 7, NCB 216 conveyed to Jason E. Hurta, recorded in Document No. 201306023835 of the Official Public Records of Comal County Texas, Prop Id. 989;

THENCE with the Northwest line of said portion of Lot 7, North 71°07'45" East, a distance of 31.13 feet to a point for the North corner of said portion of Lot 7 and the West corner of Lot 1 & 2, Hays Subdivision, recorded in Document No. 9706009482 of the Official Public Records of Comal County Texas, Prop Id. 30483;

THENCE with the South line of the Railroad Spur Track and the North line of said Hayes Subdivision, along a non-tangent curve to the right, said curve having a radius of 566.93 feet, a central angle of 23°51'55", a chord bearing and distance of North 86°59'00" East, 234.44 feet, for an arc distance of 236.14 feet to a point for the East corner of said subdivision and NCB 2016, lying in the West line of East Zink Street {66.66' R.O.W.);

THENCE crossing East Zink Street, South 78°25'28" East, a distance of 84.29 feet to a point for the South corner of the intersection of East Zink Street and North Gibert Avenue, (49.5' R.O.W.), now closed and conveyed to ADM Milling Co., recorded in Document No. 9606001284 of the Official Public Records of Comal County Texas, Prop Id. 883, also being the North corner of NCB 2014;

THENCE with the Southeast line of East Zink Street and the Northwest line of North Gilbert Avenue and the Northwest line of NCB 2015, a tract conveyed to ADM Milling Co. in "Exhibit A, Tract 6", recorded in Volume 284, Page 817, Comal County Deed Records, Prop Id. 980, North 38°42'00" East, a distance of 277.84 feet to a point for the Northwest corner of said ADM Tract 6, lying in the South line of the Comal River;

THENCE with the North line of said ADM Tract 6 and the meanders of the South line of the Comal River, the following seven calls:

- 1.) North 72°20'49" East, a distance of 99.38 feet to a point;
- 2.) North 79°52'57" East, a distance of 40.73 feet to a point;
- 3.) North 90°00'00" East, a distance of 101.72 feet to a point;
- 4.) South 84°11'54" East, a distance of 106.33 feet to a point;
- 5.) South 75°47'44" East, a distance of 34.85 feet to a point;
- 6.) South 54°59'01" East, a distance of 51.84 feet to a point;
- 7.) South 70°13'18" East, a distance of 45.99 feet to a point for the Northeast corner of said ADM Tract 6 at the Northwest intersection of the Comal River and East Bridge Street;



# TBPE-FIRM F-10961  
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THENCE with the Comal River and the end of East Bridge Street (66.66' R.O.W.), South 48°47'29" East, a distance of 67.91 feet to a point for the Northwest corner of a tract of land, owned by the City of New Braunfels, known as Prince Solms Park, Prop Id. 886;

THENCE with the Northeast line of said Prince Solms Park, the end of East Mill Street (66.66' R.O.W.) and the South line of the Comal River, the following eight calls:

- 1.) South 29°00'55" East, a distance of 116.96 feet to a point;
- 2.) South 03°00'46" West, a distance of 48.43 feet to a point;
- 3.) South 45°00'00" East, a distance of 32.40 feet to a point;
- 4.) South 12°05'39" East, a distance of 18.22 feet to a point;
- 5.) South 57°05'44" East, a distance of 6.96 feet to a point;
- 6.) South 57°05'40" East, a distance of 18.81 feet to a point;
- 7.) North 77°19'11" East, a distance of 52.18 feet to a point;
- 8.) South 55°00'25" East, a distance of 13.52 feet to a point for the End of East Mill Street at the Comal River and the North corner of NCB 2005, a 1.004 acre tract, conveyed to Fountaineer Investments, LLC, recorded in Document No. 201906026762 of the Official Public Records of Comal County Texas, Prop Id. 885;

THENCE with the North line of said 1.004 acre tract and the South line of the Comal River the following four calls:

- 1.) South 55°36'21" East, a distance of 89.91 feet to a point;
- 2.) South 35°05'46" East, a distance of 57.55 feet to a point;
- 3.) South 12°51'04" East, a distance of 59.47 feet to a point;
- 4.) South 24°55'00" West, a distance of 22.49 feet to a point in the East line of said 1.004 acre tract and the North corner of a tract conveyed to ADM Milling Co. in "Exhibit A 1. (a.)", recorded in Volume 284, Page 817 of the Comal County Deed Records, Prop Id. 431524;

THENCE with the North line of said ADM Milling Co., Tract 1. (a.), and the South line of the Comal River, the following seven calls:

- 1.) South 04°17'53" West, a distance of 24.64 feet to a point;
- 2.) South 48°44'33" East, a distance of 27.30 feet to a point;
- 3.) South 36°19'35" East, a distance of 43.40 feet to a point;
- 4.) South 01°18'42" East, a distance of 28.34 feet to a point;
- 5.) South 32°10'01" East, a distance of 24.48 feet to a point;
- 6.) South 58°45'51" East, a distance of 32.97 feet to a point;
- 7.) South 30°57'14" East, a distance of 36.96 feet to a point for the East corner of said ADM Milling Co. Tract 1. (a.), lying in the Northwest line of East San Antonio Street;

THENCE with the South line of the Comal River crossing East San Antonio Street (93.72' R.O.W.) South 80°51'44" East, a distance of 100.98 feet to a point in the Southeast line of East San Antonio Street for the North corner of NCB 1043, a 1.608 acre tract, conveyed to Auferstehung, Inc., recorded in Document No. 9806024551 of the Official Public Records of Comal County, Texas, Prop Id. 515;



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TBPE-FIRM F-10961  
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THENCE with the North line of said 1.608 acre tract and the South line of the Comal River, the following three calls:

- 1.) South 81°19'51" East, a distance of 78.90 feet to a point;
- 2.) South 87°15'51" East, a distance of 98.50 feet to a point;
- 3.) South 13°17'51" East, a distance of 150.98 feet to a point for the Northeast corner of said 1.608 acre tract, lying in the West line of Tolle Street (67.56" R.O.W.);

THENCE with the West line of Tolle Street and the Southeast line of said 1.608 acre tract, South 38°11'09" West, a distance of 215.80 feet to a point at the North corner of the intersection of Tolle Street and South Gilbert Avenue;

THENCE with the North line of South Gilbert Avenue and the Southwest line of said 1.608 acre tract, North 52°30'51" West, a distance of 70.31 feet to a point in the Southwest line of said 1.608 acre tract;

THENCE crossing South Gilbert Avenue (60' R.O.W.) South 38°20'17" West, a distance of 57.68 feet to a point in the Southwest line of South Gilbert Avenue and the East corner of Lot 143 and a portion of Lot 142, NCB 1007, conveyed to ESA Partners, LLC., recorded in Document No. 202106016449 of the Official Public Records of Comal County Texas, Prop Id 431522, also being the North corner of Lot A, NCB 1007, Prop Id 107;

THENCE with the West line of said Lot A, NCB 1007 and the East line of the following 6 tracts,

1. said Lot 143 and a portion of Lot 142,
2. a tract conveyed to Greg Korman, recorded in Document No. 200806021412 of the Official Public Records of Comal County Texas, Prop Id 104,
3. a tract conveyed to Sheri Ann Jentsch, recorded in Document No. 200406040799 of the Official Public Records of Comal County Texas, Prop Id. 105,
4. a tract conveyed to Cabana Social Club, recorded in Document No. 201106012145 of the Official Public Records of Comal County Texas, Prop Id. 103,
- 5a tract conveyed to Bob and Betty Kiesling, recorded in Document No. 200706051883 of the Official Public Records of Comal County Texas, Prop Id. 102,
6. a tract conveyed to Avis E. & Nancy Field, described in Document No. 200506047553 of the Official Public Records of Comal County Texas, Prop Id. 100, South 38°20'17" West, a distance of 384.65 feet to a point for the North corner of the intersection of Tolle Street and South Market Street, being the South corner of NCB 1007;

THENCE crossing South Market Street (66.66' R.O.W.) South 38°20'17" West, a distance of 65.00 feet to a point for the South corner of the intersection of South Market Street and Tolle Street, being the East corner of NCB 1006;

THENCE with the Northwest line of Tolle Street and the Southeast line of NCB 1006 and the following two tracts:

1. a tract conveyed to Layton L. Leissner, No Deed information found, Prop Id. 96,

2. Lot 38 and a portion of Lot 39 conveyed to Southwestern Bell Tx, No Deed information found, Prop Id. 431521, South 38°20'17" West, a distance of 220.41feet to a point for the South corner of NCB 1006 and the North corner of the intersection of Comal Avenue and Tolle Street;

THENCE crossing Comal Avenue (66.66' R.O.W.) South 40°28'43" West, a distance of 65.11feet to a point for the East corner of Lot 37, NCB 1005, conveyed to Kenneth D. Brazle and David G. Pfeuffer, recorded in Document No. 9706006117 of the Official Public Records of Comal County Texas, Prop Id. 37;

THENCE with the Southwest line of Comal Avenue and the Northeast line of the following 14 tracts, 1. said Lot 37,

2. a tract conveyed to the City of New Braunfels, No Deed information found, Prop Id. 69,
3. a tract conveyed to Naeglins Bakery Inc, recorded in Volume 677, Page 398 of the Comal County Deed Records, Prop Id. 70,
4. a tract conveyed to 4K Mayo Property LLC., recorded in Document No. 201906010636 of the Official Public Records of Comal County Texas, Prop Id. 72,
- 5a tract conveyed to Stadt Corp., recorded in Document No. 200606001808 of the Official Public Records of Comal County Texas, Prop Id. 77,
- 6a tract conveyed to T.L. Marglin#6, LLC., recorded in Document No. 201506028574 of the Official Public Records of Comal County Texas, Prop Id. 76,
7. a tract conveyed to Guadalupe Amaro Partnership, recorded in Document No. 202006059688 of the Official Public Records of Comal County Texas, Prop Id. 78,
8. a tract conveyed to Guadalupe Amaro Partnership, Prop Id. 82, recorded in Document No. 202006059689 of the Official Public Records of Comal County Texas, Prop. Id. 82,
9. a tract conveyed to Guadalupe Amaro Partnership, recorded in Document No. 202006059687 of the Official Public Records of Comal County Texas, Prop Id. 83,
10. a tract conveyed to Natman Investments, LLC., recorded in Document No. 201906016789 of the Official Public Records of Comal County Texas, Prop Id. 95,
11. a tract conveyed to the Duettra Georgia B. Exempt Trust, recorded in Document No. 201106039865 of the Official Public Records of Comal County Texas, Prop Id. 92,
12. a tract conveyed to Daniel and Mikki Tharp, recorded in Document No. 200406042582 of the Official Public Records of Comal County Texas, Prop Id. 90,
13. a tract conveyed to Julie and Greeson Taylor, recorded in Document No. 9906005966 of the Official Public Records of Comal County Texas, Prop Id. 89,
14. a tract conveyed to Chris and Heather Allen, recorded in Document No. 201906000593 of the Official Public Records of Comal County Texas, Prop Id. 88, South 52°33'38" East, a distance of 772.64 feet to a point for the East corner of NCB 1005 and the West corner of the intersection of Comal Avenue and East Coll Street;

THENCE with the Southwest line of Comal Avenue, crossing East Coll Street (66.66' R.O.W.) South 52°31'46" East, a distance of 65.01feet to a point for the South corner of the intersection of Comal Avenue and East Coll Street and the North corner of NCB 1011, being the North corner of a property conveyed to Julie A. Glisky, recorded in Document No. 200706020402 of the Official Public Records of Comal County Texas, Prop Id. 153;

# TBPE-FIRM F-10961  
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THENCE with the Southwest line of Comal Avenue and the Northeast line of NCB 1011 and the following 5 tracts;

1. said Glisky tract,
2. a tract conveyed to Frederick Frueholz, Jr., recorded in Volume 212, Page 44 of the Comal County Deed Records, Prop Id. 155,
3. a 1.477 acre tract conveyed to Elks 2279 of NB BPOE, recorded in Volume 184, Page 934 of the Comal County Deed Records, Prop Id. 149,
4. Lot 164, conveyed to Greg and Leslie Baenziger, recorded in Volume 608, Page 630 of the Comal County Deed Records, Prop Id. 156,
5. a portion of Lot 88, conveyed in a Death Certificate to Carola M. Davis, recorded in Document No. 200106040183 of the Official Public Records of Comal County Texas, Prop Id. 152,  
 South 52°24'50" East, a distance of 482.55 feet to a point for the West corner of the intersection of Comal Avenue and East Garden Street, and the East corner of NCB 1011;

THENCE with the Northwest line of East Garden Street and the Southeast line of NCB 1011 and the Southeast line of the following 4 tracts,

1. said Carola M. Davis tract,
2. a portion of Lot 88, conveyed to Michael & Rhonda Neel, recorded in Document No. 9806014444 of the Official Public Records of Comal County Texas, Prop Id. 151,
3. a portion of Lot 79 conveyed to Richard M. Wangenheim Jr., recorded in Document No. 201806033352 of the Official Public Records of Comal County Texas, Prop Id. 147,
4. a portion of Lot 79 conveyed to William and Diane Mehrer, recorded in Document No. 9806000302 of the Official Public Records of Comal County Texas, Prop Id. 146, South 38°16'20" West, a distance of 386.20 feet to a point for the North corner of the intersection of East Garden Street and South Seguin Avenue, also being the South corner of NCB 1011;

THENCE with the Northwest line of East Garden Street, crossing South Seguin Street, (93.72' R.O.W.) South 38°11'55" West, a distance of 93.73 feet to a point for the West corner of the intersection of East Garden Street and South Seguin Avenue, also being the East corner of NCB 1012, and the East corner of a tract conveyed to the City of New Braunfels, recorded in Volume 172, Page 820 of the Comal County Deed Records, Prop Id. 159;

THENCE with the Southwest line of South Seguin Avenue, crossing East Garden Street (66.66' R.O.W.) South 52°36'25" East, a distance of 65.01 feet to a point for the South corner of the intersection South Seguin Avenue and East Garden Street, also being the North corner of NCB 1017 and the North corner of a Lot 181 conveyed to Marion & Robbie Borchers, recorded in Volume 1017, Page 28 of the Comal County Deed Records, Prop Id. 213;

THENCE with the Southwest line of South Seguin Ave. and the Northeast line of the following 5 tracts, 1. said Lot 181,

2. Lot 180 conveyed to Mario Borchers, recorded in Document No. 200406042893 of the Official Public Records of Comal County Texas, Prop Id. 212,
3. Lot 179 conveyed to 448 S. Seguin, LLC., recorded in Document No. 202006016856 of the Official Public Records of Comal County Texas, Prop Id. 211,



4. Lots 178 & 185, conveyed to Communication Professionals, Ltd., recorded in Document No. 200206002205 of the Official Public Records of Comal County Texas, Prop Id. 208,

5. Lot 177 and a portion of Lot 160 conveyed to Jahn Building Development LLC., et al, recorded in Document No. 201206036421 of the Official Public Records of Comal County Texas, Prop Id. 207, South 52°35'59" East, a distance of 482.87 feet to a point for the Southwest corner of the intersection of South Seguin Avenue and Butcher Street, also being the East corner of NCB 1017;

THENCE with the South line of South Seguin Avenue, crossing Butcher Street (30' R.O.W.), South 52°33'56" East, a distance of 30.00 feet to a point for the Southeast corner of the intersection of South Seguin Avenue and Butcher Street, also being the North corner of NCB 1021, and the North corner of a tract conveyed to Dunverking Real Estate, Ltd., recorded in Document No. 201006008905 of the Official Public Records of Comal County Texas, Prop Id. 281;

THENCE with the Southwest line of South Seguin Avenue and the Northeast line of NCB 1021 and the Northeast line of the following 5 tracts,

1. said Dunverking Real Estate, LLC.Tract,
2. a tract conveyed to Troy D. Burch, Jr., recorded in Document No. 200706019362 of the Official Public Records of Comal County Texas, Prop Id. 282,
3. Lot 7R conveyed to D'Ann Harper Development Corp, recorded in Document No. 200506001310 of Official Public Records of Comal County Texas, Prop Id. 283,
4. Lot 14 conveyed to Becker Investments, Lp, recorded in Document No. 201406031140 of the Official Public Records of Comal County Texas, Prop Id. 285,
5. a tract conveyed to Big Diamond Inc., recorded in Document No. 201006026405 of the Official Public Records of Comal County Texas, Prop Id. 286, South 52°33'56" East, a distance of 516.88 feet to a point for the Northwest corner of the intersection of Jahn Street and South Seguin Avenue, also being the East corner of NCB 1021 and the East corner of said Big Diamond Inc. tract;

THENCE with the Northwest line of Jahn Street and the Southeast line of NCB 1021 and the Southeast line of the following 5 tracts,

1. said Big Diamond LLC tract,
2. a tract conveyed to William M. Norris, recorded in Document No. 200706003522 of the Official Public Records of Comal County Texas, Prop Id. 267,
3. a tract conveyed to CMF Real Estate Holdings, LLC, recorded in Document No. 201506026255 of the Official Public Records of Comal County Texas, Prop Id. 288,
4. Lots 3 & 4, Block 13 of the Re-subdivision of Jahn Addition, recorded in Volume 52, Page 351 of the Comal County Map Records, Prop Id. 273, conveyed to Yawn Group, LLC, recorded in Document No. 201806003260 of the Official Public Records of Comal County Texas
5. Lots 1 & 2, Block 13 of said Re-subdivision of Jahn Addition, as conveyed to My Little Girl, LLLC, recorded in Document No. 201106036607 of the Official Public Records of Comal County Texas, Prop Id. 272, South 37°32'43" West, a distance of 385.32 feet to a point for the North corner of the intersection of Jahn Street and South Castell Avenue, also being the South corner of NCB 1021;



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THENCE with the Northwest line of Jahn Street, crossing South Castell Avenue (66.66' R.O.W.) South 37°32'43" West, a distance of 65.00 feet to a point for the West corner of the intersection of South Castell Avenue and Jahn Street and the East corner of NCB 1022;

THENCE with the Northwest line of Jahn Street and the Southeast line of NCB 1022, and the following 2 tracts and a street,

1. Lot 10, NCB 1022 conveyed to Katherine Truesdell, recorded in Document No. 201106030712 of the Official Public Records of Comal County Texas, Prop Id. 298,
2. the South line of Colvin Street (20' R.O.W.),
3. Lots 11,12 & 13, NCB 1022 conveyed to Jahn Street Properties, LLC., recorded in Document No. 201206041187 of the Official Public Records of Comal County Texas, Prop Id. 299, South 37°40'03" West, a distance of 268.68 feet to a point for the Northwest corner of the intersection of Jahn Street and the International Great Northern Railroad (100' R.O.W.);

THENCE with the North line of the International Great Northern Railroad R.O.W. and the Southwest line of said Jahn Street Property, North 66°14'32" West, a distance of 206.14 feet to a point for the Northwest corner of said Jahn Property and the Southeast corner a tract conveyed to the City of New Braunfels, in Parcel 1, recorded in Document No. 9706007700 of the Official Public Records of Comal County Texas, Prop Id. 167;

THENCE with the Railroad R.O.W. and the Southwest line of said City of New Braunfels tract, the following two calls:

- 1.) North 62°40'55" West, a distance of 190.28 feet to a point;
- 2.) North 61°36'04" West, a distance of 127.92 feet to a point in the Southwest corner of said City of New Braunfels tract, being the Southeast corner of the intersection of said railroad and Butcher Street;

THENCE with the Northeast line of said Railroad and crossing Butcher Street (30' R.O.W.) North 55°33'40" West, a distance of 32.30 feet to a point for the Northwest corner of Butcher Street and the South corner of a tract conveyed to the City of New Braunfels, in Parcel 2, recorded in Document No. 9706007700 of the Official Public Records of Comal County Texas, Prop Id. 410103;

THENCE with the Northeast line of said Railroad R.O.W. and the Southwest line of said Parcel 2, North 58°04'38" West, a distance of 53.79 feet to a point for the Southwest corner of said Parcel 2;

THENCE with the Northeast line of said Railroad 100' wide R.O.W., North 53°31'48" West, a distance of 438.20 feet to a point for the Southwest corner of the intersection of East Garden Street and said Railroad R.O.W.;

THENCE with the Railroad R.O.W., crossing East Garden Street (66.66' R.O.W.) North 52°28'19" West, a distance of 65.00 feet to a point for the South corner of NCB 1013, being the West corner of the intersection of said Railroad R.O.W. and East Garden Street;



ENGINEERING & SURVEYING  
TBPE-FIRM F-10961  
TBPLSFIRM10153600

THENCE with the Northeast line of said Railroad R.O.W. and the Southwest line of NCB 1013, North 52°49'35" West, a distance of 480.14 feet to a point for the West corner of NCB 1013 and the East corner of the intersection of said Railroad R.O.W. and West Coll Street {66.66' R.O.W.);

THENCE with the Northeast line of said 100' wide Railroad R.O.W., North 53°16'43" West, a distance of 637.05 feet to a point in the Northeast line of said Railroad R.O.W. and the Southwest line of Hill Avenue;

THENCE crossing said Railroad R.O.W., South 37°29'34" West, a distance of 100.00 feet to a point for the West corner of the intersection of said Railroad R.O.W. and Cross Street, and the East corner of NCB 1001 and the East corner of a tract conveyed to Donald and Lynn Forbes, recorded in Document No. 9706017179 of the Official Public Records of Comal County Texas, Prop Id. 9;

THENCE with the Northwest line of Cross Street and the Southeast corner of the following 3:

1. said Donald and Lynn Forbes tract,
2. a tract conveyed to Allegiant Senior Living, LLC, recorded in Document No. 201706039281 of the Official Public Records of Comal County Texas, Prop Id. 4,
3. a tract conveyed to Edward and Charlotte Cavanaugh Family Trust, recorded in Document No. 201806001171 of the Official Public Records of Comal County Texas, Prop Id. 378760, South 38°24'08" West, a distance of 265.63 feet to a point for the North corner of the intersection of Cross Street and South Academy Ave and the South corner of NCB 4001, and the South corner of said Edward and Charlotte Cavanaugh Family Trust tract;

THENCE with the Northwest line of Cross Street, crossing South Academy Street {66.66' R.O.W.), South 36°55'45" West, a distance of 68.78 feet to a point for the West corner of the intersection of South Academy Street and Cross Street, and the East corner of a tract conveyed to Michael J. Pollard, recorded in Document No. 200306033121 of the Official Public Records of Comal County Texas, Prop Id. 1442;

THENCE with the Northwest line of Cross Street and the Southeast line of the following 4 tracts,

1. said Pollard tract,
2. a tract conveyed to Janie Mott, recorded in Document No. 201806037582 of the Official Public Records of Comal County Texas, Prop Id. 1438,
3. Lots 1 and 6, NCB 4001 conveyed to Sophies Gasthaus, LLC., recorded in Document No. 202106034115 of the Official Public Records of Comal County Texas, Prop Id. 1443,
4. a tract with no deed information available, Prop Id. 1448, South 38°03'53" West, a distance of 492.03 feet to a point for the East corner of a tract conveyed to Delio and Juanita Bustos, recorded in Volume 390, Page 418 Comal County Deed Records;

THENCE continuing with the Northwest line of Cross Street, and the Southeast line of NCB 4001, and the following 2 tracts,

1. said Bustos tract,
2. a tract conveyed to Armando Martinez, recorded in Document No. 201406021790 of the Official Public Records of Comal County Texas, Prop Id. 1450, South 38°03'53" West, a distance of 152.68 feet to a point for the North corner of the intersection of Clemens Avenue and Cross Street;



THENCE with the Northwest line of Cross Street, crossing Clemens Avenue (66.0' R.O.W.) South 41°54'11" West, a distance of 65.09 feet to a point for the West corner of the intersection of Clemens Avenue and Cross Street, being the East corner of NCB 4002;

THENCE with the Northwest line of Cross Street and the Southeast line of NCB 4002 and the Southeast line of the following 4 tracts:

1. a confidential tract, Prop Id. 1463,
2. a tract conveyed to Richard Rabe, recorded in Document No. 201506004178 of the Official Public Records of Comal County Texas, Prop Id. 1465,
3. a tract conveyed to Jeffrey and Maria Turner, recorded in Volume 839, Page 487 of the Comal County Deed Records, Prop Id. 1461,
4. a tract conveyed to Gary and Sue McGurk, recorded in Volume 594, Page 727 of the Comal County Deed Records, Prop Id. 1462, South 42°17'48" West, a distance of 400.57 feet to a point for the North corner of the intersection of Cross Street and South Guenther Avenue, also being the South corner of NCB 4002 and said McGurk property;

THENCE with the Northeast line of South Guenther Avenue and the Southwest line of the following 3 tracts:

1. said McGurk tract,
2. a tract conveyed to the Seals Family Properties, LLC., recorded in Document No. 202006009910 of the Official Public Records of Comal County Texas, Prop Id. 1458,
3. a tract conveyed to Seals Family Property, LLC., recorded in Document No. 202006023475 of the Official Public Records of Comal County Texas, Prop Id. 1459, North 49°55'46" West, a distance of 393.46 feet to a point for the East corner of the intersection of South Guenther Avenue and West San Antonio Street, also being the West corner of NCB 4002 and said tract described as Prop Id. 1458;

THENCE with the Northeast line of South Guenther Avenue, crossing West San Antonio Street, (R.O.W. varies at this location) North 49°55'46" West, a distance of 72.68 feet to a point in the Northwest line of West San Antonio Street and the Southeast line of Lots 4 and 5, NCB 3002, conveyed to Miles and Susan Granzin, recorded in Document No. 200406001675 of the Official Public Records of Comal County Texas, Prop Id. 1047;

THENCE with the Northwest line of West San Antonio Street and the Southeast line of said Granzin tract, South 38°57'56" West, a distance of 41.25 feet to a point for the North corner of the intersection of West San Antonio Street and a 20' Wide Alley, also being the South Corner of said Granzin tract;

THENCE with the Northeast line of said Alley and the Southwest line of said Granzin tract and the Southwest line of the Patricia B. Wyatt Revocable Trust tract, North 50°27'33" West, a distance of 373.65 feet to the POINT OF BEGINNING and containing 182.91 acres of land in the City of New Braunfels, Comal County, Texas.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Written August 14, 2021.



Dorothy J. Taylor  
Registered Professional Land Surveyor No. 6295

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S:\!Projects\040 - City of New Braunfels\040.033 - Political Subdivision for Downtown TIRZ Boundary\M&B\TIRZ ARY M&B.docx

# New Braunfels Downtown Tax Increment Reinvestment Zone Project & Financing Plan

City of New Braunfels, Texas December 13, 2021

Amended August 12, 2024

Amended \_\_\_\_\_, 2024



## CONTENTS

Project Plan .....	1
Overview .....	1
Existing Tax Increment Financing Districts in the City of New Braunfels .....	1
Description of Tax Increment Reinvestment Zone #3 .....	1
Table 1: Existing Land Use of Proposed TIRZ #3 .....	2
Existing Zoning and Land Use Guidelines Applicable to TIRZ #3 .....	4
Taxing Jurisdictions Applicable to TIRZ .....	4
Proposed Changes in Master Plans, Zoning Ordinances, and Building Codes .....	4
Relocation of Displaced Persons .....	4
Project Plan Improvements .....	5
Eligible Project Costs .....	6
1. Public Infrastructure Improvements .....	6
2. Economic Development Incentives .....	6
3. Parking Improvements .....	6
4. Administration & Implementation .....	6
Summary of Project Costs .....	6
Financing Plan .....	7
Compliance & Reporting .....	7
Public Sector Entities Participating in TIRZ #3 .....	7
Financial Forecast Assumptions .....	7
Financial Forecast Summary Results .....	8
Conclusion .....	9
Appendix – Parcels within TIRZ #3 .....	10
TABLE 1: EXISTING LAND USE OF PROPOSED TIRZ #3 .....	2
TABLE 2: DOWNTOWN DEVELOPMENT COSTS FUNDED BY TIRZ #3 .....	5
TABLE 3: PRELIMINARY TIRZ #3 FORECAST FOR CITY CONTRIBUTION .....	8
TABLE 4: PARCELS WITHIN PROPOSED TIRZ #3 .....	10
FIGURE 1: PROPOSED TIRZ #3 GEOGRAPHIC BOUNDARY .....	3

## PROJECT PLAN

### OVERVIEW

The City of New Braunfels, Texas has implemented a tax increment reinvestment zone (TIRZ) to fund redevelopment projects and programs in Downtown New Braunfels. The is named TIRZ #3 – Downtown Tax Increment Reinvestment Zone (TIRZ #3).

This Project and Financing Plan for TIRZ #3 (the “Project and Financing Plan”) is designed to meet the legal requirements of designating a TIRZ. The statutes governing tax increment financing are located in Chapter 311 of the State of Texas Tax Code (the “Act”).

Pursuant to Section 311.011(e) of the Act, an amendment to the Project Plan and Financing Plan (the "Amendment to Project and Financing Plan") was adopted by the TIRZ No. 3 Board on September \_\_\_\_, 2024 and approved by the City on \_\_\_\_, 2024 to update the existing land use of TIRZ #3 as shown in Table 1 herein and the development costs funded by TIRZ #3 as shown in Table 2 herein. Except as amended by the revised exhibits attached hereto, the Project Plan and Reinvestment Zone Financing Plan for the TIRZ remains unchanged and in full force and effect.

### EXISTING TAX INCREMENT FINANCING DISTRICTS IN THE CITY OF NEW BRAUNFELS

There are two existing City of New Braunfels TIRZs. The first is the Creekside TIRZ (TIRZ #1) and the second is the Rivermill TIRZ (TIRZ#2). Under Chapter 311 of the Texas Tax Code, cities with fewer than 100,000 residents may not create a new TIRZ if the total appraised value of taxable real property in the proposed reinvestment zone and in the existing reinvestment zones would exceed 50.0 percent of the total appraised value of taxable real property within the city and its industrial districts. In addition, a TIRZ may not be created if more than 30.0 percent of the property in the proposed new reinvestment zone is used for residential purposes at the time of designation. The proposed TIRZ #3 complies with these state rules.

### DESCRIPTION OF TAX INCREMENT REINVESTMENT ZONE #3

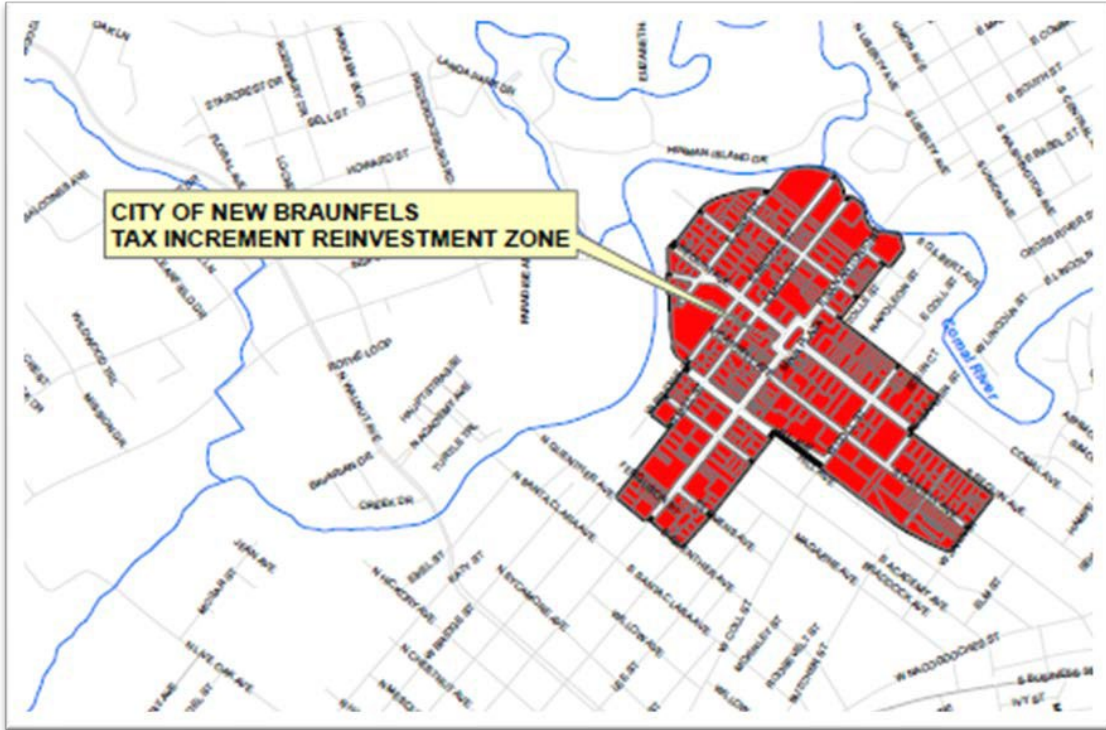
The proposed TIRZ #3 will cover approximately 183 acres (including roads and right of way). The 2021 baseline taxable property value of the TIRZ is \$ 141,765,876.00.

TABLE 1: EXISTING LAND USE OF TIRZ #3

Land Use	Parcel Count	Acres	Percentage of Zone
Commercial	172	61.99	33.77%
Exempt	54	38.62	21.04%
Industrial and Manufacturing	8	8.94	4.87%
Multi-Family Residential	2	0.40	0.22%
ROW	1	42.38	23.09%
Single Family Residential	111	27.28	14.86%
Utilities	3	3.37	1.84%
Vacant Lots and Tracts	4	0.60	0.32%
<b>TOTAL AREA</b>	<b>355</b>	<b>183.58</b>	<b>100.00%</b>
Non-public ownership		99.21	54.04%
Public ownership* <i>*Includes City of New Braunfels, Comal County, ROW, Utilities, and religious entities</i>		84.37	45.96%
Total Residential		27.68	15.08%
Maximum Residential		55.074	30%

Source: City of New Braunfels Existing Land Use Map

Figure 1: TIRZ #3 Geographic Boundary



## BOARD COMPOSITION

The TIRZ #3 Board shall be comprised of seven (7) members appointed by the New Braunfels City Council and to the greatest extent possible shall include five (5) property owners from within the TIRZ#3 boundaries and two at-large members (residing in Comal County or adjacent counties). These Board members shall serve 2-year staggered terms.

The duties of the TIRZ No. 3 Board will include making recommendations to the City Council concerning the administration, management, and operation of the Zone. The Board shall perform all duties imposed upon it by Chapter 311 of the Texas Tax Code and all other applicable laws.

## EXISTING ZONING AND LAND USE GUIDELINES APPLICABLE TO TIRZ #3

Existing City of New Braunfels land use, zoning guidelines, and policies would apply to all properties within the city limits.

## TAXING JURISDICTIONS APPLICABLE TO TIRZ

The proposed TIRZ #3 is located within the following taxing jurisdictions:

- City of New Braunfels
- Comal County
- New Braunfels ISD

## PROPOSED CHANGES IN MASTER PLANS, ZONING ORDINANCES, AND BUILDING CODES

There are no current master plans or anticipated changes to master plans or zoning ordinances.

## RELOCATION OF DISPLACED PERSONS

This plan currently does not call for nor anticipate the displacement and relocation of persons for the proposed projects.



## PROJECT PLAN IMPROVEMENTS

TIRZ #3 will provide support for catalytic infrastructure and incentives that will facilitate the redevelopment of the Downtown area. The Downtown area faces barriers to continued redevelopment as much of the pedestrian infrastructure in the zone is insufficient. Additionally, new development in the zone has been stifled due to a lack of convenient and adequate parking given the built-out nature of the development pattern. Finally, aging building systems and utility connections are a barrier to redevelopment as the majority of the existing building stock was constructed over 50 years ago and is out of compliance with modern requirements such as building codes, life safety, and Americans with Disabilities Act (ADA) access requirements.

Public infrastructure investments and additional enhancements are required to successfully redevelop the TIRZ #3 area. In addition, other projects might be added to the list as future development projects and related opportunities present themselves.

**Table 2: Downtown Development Costs Funded by TIRZ #3**

Project	Cost	Description
Public Infrastructure Improvements	\$7,500,000	Sidewalk construction/repair, installation of bicycle facilities, pedestrian amenities, enhanced crossings, roadway restriping and reconfiguration, and other right-of-way improvements with direct community benefits
Economic Development Incentives	\$4,000,000	Environmental remediation, interior/exterior demolition, historic façade restoration improvements/ easements and fire safety improvements/grants  Land and Construction costs including equipment and infrastructure, and other eligible project costs as may be more particularly described in this Project and Finance Plan
Parking Improvements	\$2,000,000	Land assembly/leases/and other projects that subsidize or otherwise provide public parking in strategic areas
Administration and Implementation	\$1,000,000	

## ELIGIBLE PROJECT COSTS

### 1. PUBLIC INFRASTRUCTURE IMPROVEMENTS

This category includes TIRZ-eligible expenditures for improvements to local streets and City Right of Way, including paving, utility infrastructure upgrades/relocation (water, wastewater, storm water), burial of overhead utilities as well as lighting improvements, street trees/planters, and sidewalk improvements for enhancing pedestrian linkages between throughout the historic downtown core.

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### 2. ECONOMIC DEVELOPMENT INCENTIVES

Downtown New Braunfels has several buildings that contribute to the character and fabric of the community, but these buildings sometimes are financially unfeasible to properly redevelop because of the cost of environmental remediation of asbestos, lead-based paint and other contaminants, interior and exterior demolition costs, façade improvement costs and fire and ADA accessibility issues. Interior and exterior demolition expenses are tied directly to the remediation expenses. These costs are TIRZ- eligible expenditures. Remediation of environmentally hazardous materials and associated improvements, using TIRZ funds, greatly improves the marketability of these buildings. This budget category is necessary for attracting highly desired mixed-use and adaptive reuse projects to the Downtown TIRZ, including attracting new retail, office, hospitality and residential uses, including hotels, food and beverage, entertainment, and multifamily uses. Historic façade improvements and new construction under this program will be reviewed for compliance with any adopted design standards to ensure compatibility with other improved structures and investment in the Downtown area. Other eligible expenses include economic development incentives that could include the sale, transfer, or lease of land or contribution of TIRZ funds to ~~boost~~ offset public improvements costs to encourage development which diversifies the economy of the zone, grows property values and long-term property tax collections; and lessens the cost of private development by providing reimbursement for qualified public improvements. In accordance with the City's adopted TIRZ Policies, the Board may undertake projects that support economic development incentives in accordance with the Tax Code sections 311.010 (b) and (h) and Local Government Code, Chapter 380. The TIRZ #3 Board and the City may also establish and provide for the administration of programs for the purpose of developing or expanding transportation, business, and commercial activity in TIRZ #3.

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### 3. PARKING IMPROVEMENTS

Downtown New Braunfels' growth in business activity, visitors, and resident population has created additional pressure on parking availability in Downtown. The city's planned parking updates and public transit will bring challenges and opportunities to Downtown visitors, residents, and employees. TIRZ funds may be used to acquire, construct, reconstruct, or install parking facilities such as a public lot, publicly-owned parking garage, parking terminal or other structure or accommodation for parking motor vehicles off the street. This includes

equipment, entrances, exits, fencing, and other accessories needed for safety and convenience. Privately-owned parking facilities may also be leased or improved for public or Downtown employee use.

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#### 4. ADMINISTRATION & IMPLEMENTATION

Administration costs, including reasonable charges for time spent by City of New Braunfels employees, will be eligible for reimbursement as project costs. Administration costs are estimated at \$40,000 per year.

#### SUMMARY OF PROJECT COSTS

The total estimated cost of TIRZ #3 public infrastructure investment in the district is approximately ~~\$~~ \$7,500,000.

## FINANCING PLAN

Tax increment financing is a tool used by local governments to publicly finance needed infrastructure and other improvements within a defined area. These improvements are usually undertaken to promote the viability of existing businesses and to attract new commercial enterprises to the area. The statutes governing tax increment financing are located in Chapter 311 of the State of Texas Tax Code.

The costs of improvements in the defined zone are repaid by the contribution of future property tax revenues by each taxing unit that levies taxes against the property. Specifically, each taxing unit can choose to dedicate all, a portion, or none of the tax revenue that is attributable to the increase in property values due to the improvements within the reinvestment zone. Cities can also designate a portion of sales tax. The additional tax revenue that is received from the affected properties is referred to as the tax increment. Each taxing unit determines what percentage of its tax increment, if any, it will commit to repayment of the cost of financing the public improvements.

## COMPLIANCE & REPORTING

The TIRZ Board policies shall comply with all federal, state, and local laws, rules and regulations. The TIRZ Board will submit project status reports and financial reports as required by state law.

## PUBLIC SECTOR ENTITIES PARTICIPATING IN TIRZ #3

All project costs will be paid through the contribution of incremental property tax collections. This preliminary plan assumes that the City of New Braunfels will contribute a portion of their total tax rate (maintenance and operations (M&O) and interest and sinking (I&S) ad valorem tax rate for 25 years. The proposed TIRZ #3 does not include any sales tax increment.

## FINANCIAL FORECAST ASSUMPTIONS

- **TIRZ Duration** – It is assumed the TIRZ will have a 25-year lifespan.
- **TIRZ Allocation** – assumes that the City of New Braunfels will contribute 85% of their total incremental property tax collections.
- **Tax Rate** – While tax rates do change over time, the 2021 tax rates were held constant for the purposes of forecasting anticipated property tax revenue for the duration of the TIRZ.
- **Existing Properties** – The 2021 baseline property value of the TIRZ is approximately \$168 million but varies slightly by taxing jurisdiction based on exemptions offered.
- **Real Property** – Only taxable real property values are included in the tax increment calculations. By law, business personal property values are excluded from TIRZ.
- **Inflation & Appreciation Rate** – The inflation rate used for the value of improvements is 5.0 percent per year.

- **Net Present Value** – The net present values of the tax increment were calculated at a discount rate of 5.0 percent.
- **Future Development Patterns** – These assumptions do not include adjustments for future development. It is anticipated that TIRZ improvements will induce an organic growth in property values through induced development. These developments are currently undefined, and their value is not known. It is noted that the values shown in this plan are a conservative estimate and it is somewhat likely that revenues will exceed those presented in this forecast.

## FINANCIAL FORECAST SUMMARY RESULTS

The following table depicts the anticipated revenue generated over 25 years. The revenue forecast shows the TIRZ was established in 2021 (baseline year). The first TIRZ increment occurred in 2022.

**Table 3: Preliminary TIRZ #3 Forecast for City Contribution**

Calendar Year	Projected Tax Collections	Available for Fiscal Year Ending 30-Sep
2021	\$0	2022
2022	\$32,705	2023
2023	\$67,044	2024
2024	\$103,101	2025
2025	\$140,961	2026
2026	\$180,713	2027
2027	\$222,454	2028
2028	\$266,281	2029
2029	\$312,299	2030
2030	\$360,619	2031
2031	\$411,355	2032
2032	\$464,627	2033
2033	\$520,563	2034
2034	\$579,295	2035
2035	\$640,965	2036
2036	\$705,718	2037
2037	\$773,708	2038
2038	\$845,098	2039
2039	\$920,057	2040
2040	\$998,765	2041
2041	\$1,081,408	2042
2042	\$1,168,183	2043

2043	\$1,259,296	2044
2044	\$1,354,966	2045
2045	\$1,455,419	2046
<b>Total</b>	<b>\$14,865,599</b>	<b>2046</b>

## CONCLUSION

Based on the preliminary development plans for this area and anticipated tax revenue, a TIRZ is economically and financially feasible. The TIRZ should generate revenue to pay for infrastructure and redevelopment costs. Over the next 25 years, the TIRZ could generate approximately \$14.8 million to fund target improvements and incentives.

These projections are based on the best available datasets and information related to market conditions in the region. Given the high visibility of this area, for example, the substantial commitment of a few large developers could have a significantly positive impact on both the level and timing of future growth. Moreover, the financial projections make no allowance for positive spillover to the value of other properties in area as a result of new development (beyond inflation), which easily could occur. At the same time, a slowdown in development as a result of a weaker national economy, negative changes in key drivers of regional economy, or other unforeseen issues could materially reduce the volume of construction put in place, and resulting tax revenue, over the next 25 years.

**APPENDIX – PARCELS WITHIN TIRZ #3**

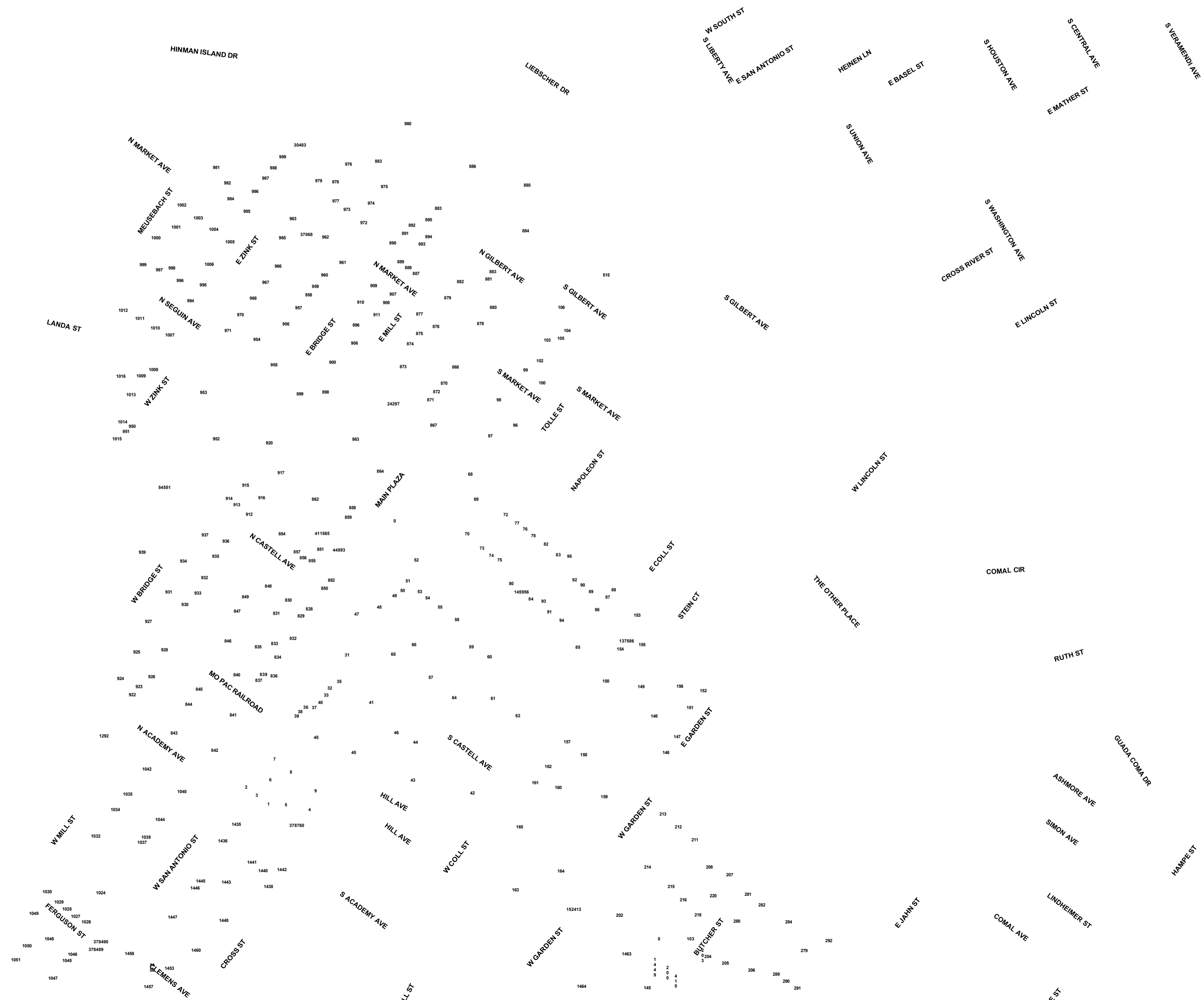
**Table 4: Parcels within Proposed TIRZ #3 (Listed by Property ID Number)**

0	73	164	515	885	954	1008	1459
1	74	165	828	886	955	1009	1461
2	75	167	829	887	956	1010	1462
3	76	168	830	888	957	1011	1463
4	77	200	831	889	958	1012	1464
5	78	202	832	890	959	1013	1465
6	80	203	833	891	960	1014	24297
7	82	204	834	892	961	1016	30483
8	83	205	835	893	962	1024	37068
9	84	206	836	894	963	1026	44893
31	85	207	837	896	965	1027	44893
32	86	208	839	898	966	1028	44895
33	87	211	840	899	967	1029	54551
35	88	212	841	900	968	1030	137586
36	89	213	842	906	970	1032	145956
37	90	214	843	907	971	1034	152413
38	91	215	845	908	972	1035	378489
39	92	216	846	909	973	1037	378490



40	93	218	847	910	974	1038	378760
41	94	220	848	911	975	1040	410103
42	95	272	849	912	976	1042	431520
44	96	273	850	913	977	1044	431521
45	98	274	851	914	978	1045	431522
45	99	276	852	915	979	1046	431524
46	100	278	854	916	980	1047	431525
47	102	279	855	917	981	1048	
48	103	280	856	920	982	1049	
49	104	281	857	922	984	1050	
50	105	282	858	923	985	1051	
51	146	283	859	924	986	1292	
52	147	284	862	925	987	1435	
53	148	285	863	926	988	1436	
54	149	286	864	927	989	1438	
55	150	287	868	928	994	1440	
57	151	288	870	930	995	1441	
58	152	289	871	931	996	1442	
59	153	290	873	932	997	1443	
60	154	291	874	933	998	1445	

61	155	292	875	934	999	1446
62	156	293	876	935	1000	1447
64	157	294	877	936	1001	1448
65	158	295	878	937	1002	1449
66	159	296	879	939	1003	1450
68	160	297	880	950	1004	1453
69	161	298	881	951	1005	1456
70	162	299	882	952	1006	1457
72	163	300	883	953	1007	1458





**F**  
1 inch = 200 feet

MARK	DATE	DESCRIPTION

CITY OF NEW BRAUNFELS

**DOWNTOWN TIRZ  
TAX INCREMENT  
REINVESTMENT ZONE**

Project No.:	040.033
Designed By:	DT
Cartography By:	DT
Checked By:	AL

METES AND BOUNDS DESCRIPTION  
FOR A 182.91 ACRE TRACT  
CITY OF NEW BRAUNFELS TAX INCREMENT REINVESTMENT ZONE (TIRZ)

Being a Political Boundary Description for 182.91 acres of land located within the Juan Martin De Veramendi Survey, A-2, in the City of New Braunfels, Comal County, Texas. Said boundary is comprised of 359 parcels of land and being more particularly described as follows:

BEGINNING at a point in the Southeast line of West Mill Street at it's intersection with an alley for the West corner of Lot 10, Block 44, New City Block (NCB) 3002, conveyed to the Patricia Blankenship Wyatt Revocable Trust, recorded in Document No. 201906022022 of the Official Public Records of Comal County Texas, Prop Id. 1051;

THENCE with the Northwest line of said Lot 10, NCB 3002, Lot 9 conveyed to Suzanne Marie Slovak, recorded in Document No. 201406034073 of the Official Public Records of Comal County Texas, Prop Id. 1050 and Lot 8 conveyed to Susan c. Milburn, recorded in Volume 204, Page 716 of the Comal County Deed Records, Prop Id. 1049, North 38°26'24" East, a distance of 262.81 feet to a point for the North corner of said Lot 8 and the West corner Ferguson Street (25' R.O.W.);

THENCE continuing with the Southeast line of West Mill Street, crossing Ferguson Street, North 38°33'11" East, a distance of 25.02 feet to a point for the North corner of Ferguson Street and the West corner of Lot 7, NCB 3001, conveyed to Celeste M. Forres, recorded in Document No. 200506003047 of the Official Public Records of Comal County Texas, Prop Id. 1030;

THENCE continuing with the Southeast line of West Mill Street, and the North line of NCB 3001, along the West line of the following five properties,

1. said Lot 7, NCB 3001
2. the property conveyed to First Methodist Church in Volume 422, Page 795 of the Comal County Deed Records, Prop Id. 1024,
3. Lot 12 conveyed to First United Methodist Church of New Braunfels, recorded in Document No. 201106032720 of the Official Public Records of Comal County, Texas, Prop Id. 1032,
4. Lot 14, conveyed to Leslie J. Lammers and Thomas E. Tumlinson recorded in Document No. 201706033702 of the Official Public Records Comal County Texas, Prop Id. 1034,
5. Lot 15, conveyed to Neil & Debbie Jo Allen, recorded in Document No. 201606021969 of the Official Public Records of Comal County Texas, Prop Id. 1035, North 38°17'23" East, a distance of 629.02 feet to a point for the North corner of said Lot 15;

THENCE crossing West Mill Street (66.66' R.O.W.) North 52°50'56" West, a distance of 66.51 feet to a point for the South corner Lot 216, NCB 3020, owned by New Braunfels Independent School District, no recording information found, Prop Id. 1292, and the East corner of Lot E NCB 3020;

THENCE with the Southwest line of Lot 216 and the Northeast line of Lot E and F, NCB 3020, North 52°57'12" West, a distance of 189.08 feet to a point in the Southeast line of West Bridge Street for the West corner of Lot 216 and the North corner of Lot F, NCB 3020;

THENCE with the Southeast line of West Bridge Street and the Northwest line of Lot 215 and Lot 215, owned by New Braunfels Independent School District, Prop Id. 1292, North 37°56'42" East, a distance of 195.27 feet to a point for the North corner of said Lot 215 and the West corner of North Academy Avenue;

THENCE with the Southeast line of West Bridge Street, crossing North Academy Ave (66.66' R.O.W.), North 37°50'05" East, a distance of 65.00 feet to a point for the West corner of a portion of Lot 103, NCB 2010 conveyed to Mary Ann Autry, recorded in Volume 141, Page 266 of the Comal County Deed Records, Prop Id. 924 and the North corner of North Academy Avenue;

THENCE continuing with the Southeast line of West Bridge Street, and the Northwest line of NCB 2010, the following 3 tracts,

1. said portion of Lot 103,
2. a portion of Lot 104, conveyed to James E. Glasgow Jr. and Carolyn M. Glasgow, recorded in Document No. 202006020515 of the Official Public Records of Comal County Texas, Prop Id. 925,
3. a portion of Lot 105, conveyed to Carr 2 Casa, LLC, recorded in Document No. 202106001621 of the Official Public Records of Comal County Texas, Prop Id. 927, North 37°46'59" East, a distance of 274.04 feet to a point for the North corner of said Lot 105, lying in the Southwest line of the Mo Pac Railroad (100' R.O.W.);

THENCE continuing with the Southeast line of West Bridge Street, crossing said Mo Pac Railroad R.O.W., North 37°46'58" East, a distance of 100.00 feet to a point in the Northeast Mo Pac Railroad R.O.W. for the West corner of Lot 107, NCB 2010, no deed information found, Prop Id. 931;

THENCE crossing West Bridge Street (66.66' R.O.W.), North 38°48'47" West, a distance of 66.82 feet to a point for the South corner of NCB 2011, a tract of land conveyed to Hilmar W. Rust, recorded in Volume 417, Page 786, Comal County Deed Records, Prop Id. 939;

THENCE with the West line of said Rust property, the following three calls:

- 1.) North 52°00'00" West, a distance of 109.44 feet to a point;
- 2.) North 24°46'30" West, a distance of 95.05 feet to a point;
- 3.) North 38°42'00" East, a distance of 48.50 feet to a point for the North corner of said Rust property, lying in the Southwest line of Lot 1, Block 1, Sts. Peter and Paul Catholic Church Subdivision, recorded in Volume 12, Page 233 of the Map Records of Comal County Texas, Prop Id. 54551;

THENCE with the West line of said Lot 1, North 52°00'00" West, a distance of 32.29 feet to a point in the East line of the M & KT Railroad R.O.W.;

THENCE with the East line of said railroad and the East line of Lot 1, Sts. Peter and Paul Subdivision and a tract conveyed to the Archbishop of San Antonio, recorded in Volume 152, Page 205 of the Comal County Deed Records, Prop Id. 1014, the following two calls:

- 1.) North 09°02'53" West, a distance of 140.44 feet to a point



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TBPE-FIRM F-10961  
TBPLSFIRM10153600

- 2.) North 02°00'58" West, a distance of 357.85 feet to a point for the North corner of said Prop Id. 1014, lying in the South line of a tract conveyed to the Archbishop of San Antonio, recorded in Volume 614, Page 563 of the Comal County Deed Records, Prop. Id. 1016;

THENCE with the West line of said Prop Id. 1016, the following two calls:

- 1.) North 74°48'08" West, a distance of 21.53 feet to a point;
- 2.) North 02°44'13" West, a distance of 166.08 feet to a point for the North corner of said Prop. Id 1016, lying in the South line of Landa Street - State Highway 46 (60' R.O.W.);

THENCE crossing Landa Street-State Highway 46, North 18°34'25" East, a distance of 60.12 feet to a point for the Southwest corner of NCB 2018, a 0.436 of an acre tract conveyed to Hayes & Reno, LLC, recorded in Document No. 200406038372 of the Official Public Records of Comal County, Texas, Prop Id. 1012;

THENCE with the West line of said 0.436 acre tract, NCB 2018 and the East line of said M & KT Railroad R.O.W., North 02°25'50" West, a distance of 248.35 feet to a point for the Northwest corner of said 0.436 of an acre tract, NCB 2018, lying in the Southwest line of North Seguin Avenue;

THENCE crossing North Seguin Avenue (93.72' R.O.W.), North 57°10'49" East, a distance of 99.52 feet to a point for the West corner of NCB 2017, Lot 4A, conveyed to Agile Key, LLC, recorded in Document No. 202006024772 of the Official Public Records of Comal County Texas, Prop Id 999, at the Southeast intersection of Meusebach Street and North Seguin Avenue;

THENCE with the Southwest line of Meusebach Street and the Northwest line of NCB 2017, and the Northwest line of the following 4 tracts,

1. said Lot 4A,
2. a portion of Lot 4, conveyed to Charles W. and Catherine Reger, recorded in Document No. 201406011069, of the Official Public Records of Comal County, Texas, Prop Id. 1000,
3. a portion of Lot 5, conveyed to Hayes & Reno, LLC, recorded in Document No. 200906007159 of the Official Public Records of Comal County Texas, Prop Id. 1001,
4. a portion of Lots 5 and 6, conveyed to Matthew Pusateri and Katherine Lynch, recorded in Document No. 202006005968 of the Official Public Records of Comal County Texas, Prop Id. 1002, North 38°01'54" East, a distance of 382.05 feet to a point for the North corner of NCB 2017, lying in the Southwest line of North Market Street;

THENCE with the Southeast line of Meusebach Street, crossing North Market Avenue (66.66' R.O.W.) North 34°23'13" East, a distance of 61.83 feet to a point for the West corner of Lot 32R, NCB 2016, a subdivision recorded in Document No. 201706014260 of the Official Public Records of Comal County Texas, Prop Id. 981, being the West corner of the intersection of Meusebach and North Market Street;

THENCE with the West line of NCB 2016, said Lot 32R and the Southeast line of a railroad spur track, the following eleven calls:

- 1.) North 38°10'09" East, a distance of 24.58 feet to a point;
- 2.) North 51°34'56" East, a distance of 13.45 feet to a point;
- 3.) North 51°34'57" East, a distance of 7.29 feet to a point;

New Braunfels, TX 78130  
 (830)625-8555  
 TBPE-FIRM F-10961

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- 4.) North 55°34'35" East, a distance of 9.80 feet to a point;
- 5.) North 55°34'35" East, a distance of 37.97 feet to a point;
- 6.) North 59°05'47" East, a distance of 47.58 feet to a point;
- 7.) North 65°09'32" East, a distance of 32.79 feet to a point;
- 8.) North 65°09'32" East, a distance of 16.33 feet to a point;
- 9.) North 71°08'49" East, a distance of 47.93 feet to a point;
- 10.) North 73°25'53" East, a distance of 48.98 feet to a point;
- 11.) North 74°40'15" East, a distance of 131.63 feet to a point for the North corner of said Lot 32R and the a Northwest corner of a portion of Lot 7, NCB 216 conveyed to Jason E. Hurta, recorded in Document No. 201306023835 of the Official Public Records of Comal County Texas, Prop Id. 989;

THENCE with the Northwest line of said portion of Lot 7, North 71°07'45" East, a distance of 31.13 feet to a point for the North corner of said portion of Lot 7 and the West corner of Lot 1 & 2, Hays Subdivision, recorded in Document No. 9706009482 of the Official Public Records of Comal County Texas, Prop Id. 30483;

THENCE with the South line of the Railroad Spur Track and the North line of said Hayes Subdivision, along a non-tangent curve to the right, said curve having a radius of 566.93 feet, a central angle of 23°51'55", a chord bearing and distance of North 86°59'00" East, 234.44 feet, for an arc distance of 236.14 feet to a point for the East corner of said subdivision and NCB 2016, lying in the West line of East Zink Street {66.66' R.O.W.);

THENCE crossing East Zink Street, South 78°25'28" East, a distance of 84.29 feet to a point for the South corner of the intersection of East Zink Street and North Gibert Avenue, (49.5' R.O.W.), now closed and conveyed to ADM Milling Co., recorded in Document No. 9606001284 of the Official Public Records of Comal County Texas, Prop Id. 883, also being the North corner of NCB 2014;

THENCE with the Southeast line of East Zink Street and the Northwest line of North Gilbert Avenue and the Northwest line of NCB 2015, a tract conveyed to ADM Milling Co. in "Exhibit A, Tract 6", recorded in Volume 284, Page 817, Comal County Deed Records, Prop Id. 980, North 38°42'00" East, a distance of 277.84 feet to a point for the Northwest corner of said ADM Tract 6, lying in the South line of the Comal River;

THENCE with the North line of said ADM Tract 6 and the meanders of the South line of the Comal River, the following seven calls:

- 1.) North 72°20'49" East, a distance of 99.38 feet to a point;
- 2.) North 79°52'57" East, a distance of 40.73 feet to a point;
- 3.) North 90°00'00" East, a distance of 101.72 feet to a point;
- 4.) South 84°11'54" East, a distance of 106.33 feet to a point;
- 5.) South 75°47'44" East, a distance of 34.85 feet to a point;
- 6.) South 54°59'01" East, a distance of 51.84 feet to a point;
- 7.) South 70°13'18" East, a distance of 45.99 feet to a point for the Northeast corner of said ADM Tract 6 at the Northwest intersection of the Comal River and East Bridge Street;





# TBPE-FIRM F-10961  
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THENCE with the Comal River and the end of East Bridge Street (66.66' R.O.W.}, South 48°47'29" East, a distance of 67.91 feet to a point for the Northwest corner of a tract of land, owned by the City of New Braunfels, known as Prince Solms Park, Prop Id. 886;

THENCE with the Northeast line of said Prince Solms Park, the end of East Mill Street (66.66' R.O.W.} and the South line of the Comal River, the following eight calls:

- 1.) South 29°00'55" East, a distance of 116.96 feet to a point;
- 2.) South 03°00'46" West, a distance of 48.43 feet to a point;
- 3.) South 45°00'00" East, a distance of 32.40 feet to a point;
- 4.) South 12°05'39" East, a distance of 18.22 feet to a point;
- 5.) South 57°05'44" East, a distance of 6.96 feet to a point;
- 6.) South 57°05'40" East, a distance of 18.81 feet to a point;
- 7.) North 77°19'11" East, a distance of 52.18 feet to a point;
- 8.) South 55°00'25" East, a distance of 13.52 feet to a point for the End of East Mill Street at the Comal River and the North corner of NCB 2005, a 1.004 acre tract, conveyed to Fountaineer Investments, LLC, recorded in Document No. 201906026762 of the Official Public Records of Comal County Texas, Prop Id. 885;

THENCE with the North line of said 1.004 acre tract and the South line of the Comal River the following four calls:

- 1.) South 55°36'21" East, a distance of 89.91 feet to a point;
- 2.) South 35°05'46" East, a distance of 57.55 feet to a point;
- 3.) South 12°51'04" East, a distance of 59.47 feet to a point;
- 4.) South 24°55'00" West, a distance of 22.49 feet to a point in the East line of said 1.004 acre tract and the North corner of a tract conveyed to ADM Milling Co. in "Exhibit A 1. (a.)", recorded in Volume 284, Page 817 of the Comal County Deed Records, Prop Id. 431524;

THENCE with the North line of said ADM Milling Co., Tract 1. (a.), and the South line of the Comal River, the following seven calls:

- 1.) South 04°17'53" West, a distance of 24.64 feet to a point;
- 2.) South 48°44'33" East, a distance of 27.30 feet to a point;
- 3.) South 36°19'35" East, a distance of 43.40 feet to a point;
- 4.) South 01°18'42" East, a distance of 28.34 feet to a point;
- 5.) South 32°10'01" East, a distance of 24.48 feet to a point;
- 6.) South 58°45'51" East, a distance of 32.97 feet to a point;
- 7.) South 30°57'14" East, a distance of 36.96 feet to a point for the East corner of said ADM Milling Co. Tract 1. (a.), lying in the Northwest line of East San Antonio Street;

THENCE with the South line of the Comal River crossing East San Antonio Street (93.72' R.O.W.} South 80°51'44" East, a distance of 100.98 feet to a point in the Southeast line of East San Antonio Street for the North corner of NCB 1043, a 1.608 acre tract, conveyed to Auferstehung, Inc., recorded in Document No. 9806024551 of the Official Public Records of Comal County, Texas, Prop Id. 515;



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New Braunfels, TX 78130  
(830)625-8555

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TBPE-FIRM F-10961  
TBPLS FIRM 10153600

THENCE with the North line of said 1.608 acre tract and the South line of the Comal River, the following three calls:

- 1.) South 81°19'51" East, a distance of 78.90 feet to a point;
- 2.) South 87°15'51" East, a distance of 98.50 feet to a point;
- 3.) South 13°17'51" East, a distance of 150.98 feet to a point for the Northeast corner of said 1.608 acre tract, lying in the West line of Tolle Street (67.56" R.O.W.);

THENCE with the West line of Tolle Street and the Southeast line of said 1.608 acre tract, South 38°11'09" West, a distance of 215.80 feet to a point at the North corner of the intersection of Tolle Street and South Gilbert Avenue;

THENCE with the North line of South Gilbert Avenue and the Southwest line of said 1.608 acre tract, North 52°30'51" West, a distance of 70.31 feet to a point in the Southwest line of said 1.608 acre tract;

THENCE crossing South Gilbert Avenue (60' R.O.W.) South 38°20'17" West, a distance of 57.68 feet to a point in the Southwest line of South Gilbert Avenue and the East corner of Lot 143 and a portion of Lot 142, NCB 1007, conveyed to ESA Partners, LLC., recorded in Document No. 202106016449 of the Official Public Records of Comal County Texas, Prop Id 431522, also being the North corner of Lot A, NCB 1007, Prop Id 107;

THENCE with the West line of said Lot A, NCB 1007 and the East line of the following 6 tracts,

1. said Lot 143 and a portion of Lot 142,
2. a tract conveyed to Greg Korman, recorded in Document No. 200806021412 of the Official Public Records of Comal County Texas, Prop Id 104,
3. a tract conveyed to Sheri Ann Jentsch, recorded in Document No. 200406040799 of the Official Public Records of Comal County Texas, Prop Id. 105,
4. a tract conveyed to Cabana Social Club, recorded in Document No. 201106012145 of the Official Public Records of Comal County Texas, Prop Id. 103,
- 5a tract conveyed to Bob and Betty Kiesling, recorded in Document No. 200706051883 of the Official Public Records of Comal County Texas, Prop Id. 102,
6. a tract conveyed to Avis E. & Nancy Field, described in Document No. 200506047553 of the Official Public Records of Comal County Texas, Prop Id. 100, South 38°20'17" West, a distance of 384.65 feet to a point for the North corner of the intersection of Tolle Street and South Market Street, being the South corner of NCB 1007;

THENCE crossing South Market Street (66.66' R.O.W.) South 38°20'17" West, a distance of 65.00 feet to a point for the South corner of the intersection of South Market Street and Tolle Street, being the East corner of NCB 1006;

THENCE with the Northwest line of Tolle Street and the Southeast line of NCB 1006 and the following two tracts:

1. a tract conveyed to Layton L. Leissner, No Deed information found, Prop Id. 96,

2. Lot 38 and a portion of Lot 39 conveyed to Southwestern Bell Tx, No Deed information found, Prop Id. 431521, South 38°20'17" West, a distance of 220.41feet to a point for the South corner of NCB 1006 and the North corner of the intersection of Comal Avenue and Tolle Street;

THENCE crossing Comal Avenue (66.66' R.O.W.) South 40°28'43" West, a distance of 65.11feet to a point for the East corner of Lot 37, NCB 1005, conveyed to Kenneth D. Brazle and David G. Pfeuffer, recorded in Document No. 9706006117 of the Official Public Records of Comal County Texas, Prop Id. 37;

THENCE with the Southwest line of Comal Avenue and the Northeast line of the following 14 tracts, 1. said Lot 37,

2. a tract conveyed to the City of New Braunfels, No Deed information found, Prop Id. 69,
3. a tract conveyed to Naeglins Bakery Inc, recorded in Volume 677, Page 398 of the Comal County Deed Records, Prop Id. 70,
4. a tract conveyed to 4K Mayo Property LLC., recorded in Document No. 201906010636 of the Official Public Records of Comal County Texas, Prop Id. 72,
- 5a tract conveyed to Stadt Corp., recorded in Document No. 200606001808 of the Official Public Records of Comal County Texas, Prop Id. 77,
- 6a tract conveyed to T.L. Marglin#6, LLC., recorded in Document No. 201506028574 of the Official Public Records of Comal County Texas, Prop Id. 76,
7. a tract conveyed to Guadalupe Amaro Partnership, recorded in Document No. 202006059688 of the Official Public Records of Comal County Texas, Prop Id. 78,
8. a tract conveyed to Guadalupe Amaro Partnership, Prop Id. 82, recorded in Document No. 202006059689 of the Official Public Records of Comal County Texas, Prop. Id. 82,
9. a tract conveyed to Guadalupe Amaro Partnership, recorded in Document No. 202006059687 of the Official Public Records of Comal County Texas, Prop Id. 83,
10. a tract conveyed to Natman Investments, LLC., recorded in Document No. 201906016789 of the Official Public Records of Comal County Texas, Prop Id. 95,
11. a tract conveyed to the Duettra Georgia B. Exempt Trust, recorded in Document No. 201106039865 of the Official Public Records of Comal County Texas, Prop Id. 92,
12. a tract conveyed to Daniel and Mikki Tharp, recorded in Document No. 200406042582 of the Official Public Records of Comal County Texas, Prop Id. 90,
13. a tract conveyed to Julie and Greeson Taylor, recorded in Document No. 9906005966 of the Official Public Records of Comal County Texas, Prop Id. 89,
14. a tract conveyed to Chris and Heather Allen, recorded in Document No. 201906000593 of the Official Public Records of Comal County Texas, Prop Id. 88, South 52°33'38" East, a distance of 772.64 feet to a point for the East corner of NCB 1005 and the West corner of the intersection of Comal Avenue and East Coll Street;

THENCE with the Southwest line of Comal Avenue, crossing East Coll Street (66.66' R.O.W.) South 52°31'46" East, a distance of 65.01feet to a point for the South corner of the intersection of Comal Avenue and East Coll Street and the North corner of NCB 1011, being the North corner of a property conveyed to Julie A. Glisky, recorded in Document No. 200706020402 of the Official Public Records of Comal County Texas, Prop Id. 153;

# TBPE-FIRM F-10961  
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THENCE with the Southwest line of Comal Avenue and the Northeast line of NCB 1011 and the following 5 tracts;

1. said Glisky tract,
2. a tract conveyed to Frederick Frueholz, Jr., recorded in Volume 212, Page 44 of the Comal County Deed Records, Prop Id. 155,
3. a 1.477 acre tract conveyed to Elks 2279 of NB BPOE, recorded in Volume 184, Page 934 of the Comal County Deed Records, Prop Id. 149,
4. Lot 164, conveyed to Greg and Leslie Baenziger, recorded in Volume 608, Page 630 of the Comal County Deed Records, Prop Id. 156,
5. a portion of Lot 88, conveyed in a Death Certificate to Carola M. Davis, recorded in Document No. 200106040183 of the Official Public Records of Comal County Texas, Prop Id. 152,  
 South 52°24'50" East, a distance of 482.55 feet to a point for the West corner of the intersection of Comal Avenue and East Garden Street, and the East corner of NCB 1011;

THENCE with the Northwest line of East Garden Street and the Southeast line of NCB 1011 and the Southeast line of the following 4 tracts,

1. said Carola M. Davis tract,
2. a portion of Lot 88, conveyed to Michael & Rhonda Neel, recorded in Document No. 9806014444 of the Official Public Records of Comal County Texas, Prop Id. 151,
3. a portion of Lot 79 conveyed to Richard M. Wangenheim Jr., recorded in Document No. 201806033352 of the Official Public Records of Comal County Texas, Prop Id. 147,
4. a portion of Lot 79 conveyed to William and Diane Mehrer, recorded in Document No. 9806000302 of the Official Public Records of Comal County Texas, Prop Id. 146, South 38°16'20" West, a distance of 386.20 feet to a point for the North corner of the intersection of East Garden Street and South Seguin Avenue, also being the South corner of NCB 1011;

THENCE with the Northwest line of East Garden Street, crossing South Seguin Street, (93.72' R.O.W.) South 38°11'55" West, a distance of 93.73 feet to a point for the West corner of the intersection of East Garden Street and South Seguin Avenue, also being the East corner of NCB 1012, and the East corner of a tract conveyed to the City of New Braunfels, recorded in Volume 172, Page 820 of the Comal County Deed Records, Prop Id. 159;

THENCE with the Southwest line of South Seguin Avenue, crossing East Garden Street (66.66' R.O.W.) South 52°36'25" East, a distance of 65.01 feet to a point for the South corner of the intersection South Seguin Avenue and East Garden Street, also being the North corner of NCB 1017 and the North corner of a Lot 181 conveyed to Marion & Robbie Borchers, recorded in Volume 1017, Page 28 of the Comal County Deed Records, Prop Id. 213;

THENCE with the Southwest line of South Seguin Ave. and the Northeast line of the following 5 tracts, 1. said Lot 181,

2. Lot 180 conveyed to Mario Borchers, recorded in Document No. 200406042893 of the Official Public Records of Comal County Texas, Prop Id. 212,
3. Lot 179 conveyed to 448 S. Seguin, LLC., recorded in Document No. 202006016856 of the Official Public Records of Comal County Texas, Prop Id. 211,



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TBPE-FIRM F-10961

4. Lots 178 & 185, conveyed to Communication Professionals, Ltd., recorded in Document No. 200206002205 of the Official Public Records of Comal County Texas, Prop Id. 208,
5. Lot 177 and a portion of Lot 160 conveyed to Jahn Building Development LLC., et al, recorded in Document No. 201206036421 of the Official Public Records of Comal County Texas, Prop Id. 207, South 52°35'59" East, a distance of 482.87 feet to a point for the Southwest corner of the intersection of South Seguin Avenue and Butcher Street, also being the East corner of NCB 1017;

THENCE with the South line of South Seguin Avenue, crossing Butcher Street (30' R.O.W.), South 52°33'56" East, a distance of 30.00 feet to a point for the Southeast corner of the intersection of South Seguin Avenue and Butcher Street, also being the North corner of NCB 1021, and the North corner of a tract conveyed to Dunverking Real Estate, Ltd., recorded in Document No. 201006008905 of the Official Public Records of Comal County Texas, Prop Id. 281;

THENCE with the Southwest line of South Seguin Avenue and the Northeast line of NCB 1021 and the Northeast line of the following 5 tracts,

1. said Dunverking Real Estate, LLC.Tract,
2. a tract conveyed to Troy D. Burch, Jr., recorded in Document No. 200706019362 of the Official Public Records of Comal County Texas, Prop Id. 282,
3. Lot 7R conveyed to D'Ann Harper Development Corp, recorded in Document No. 200506001310 of Official Public Records of Comal County Texas, Prop Id. 283,
4. Lot 14 conveyed to Becker Investments, Lp, recorded in Document No. 201406031140 of the Official Public Records of Comal County Texas, Prop Id. 285,
5. a tract conveyed to Big Diamond Inc., recorded in Document No. 201006026405 of the Official Public Records of Comal County Texas, Prop Id. 286, South 52°33'56" East, a distance of 516.88 feet to a point for the Northwest corner of the intersection of Jahn Street and South Seguin Avenue, also being the East corner of NCB 1021 and the East corner of said Big Diamond Inc. tract;

THENCE with the Northwest line of Jahn Street and the Southeast line of NCB 1021 and the Southeast line of the following 5 tracts,

1. said Big Diamond LLC tract,
2. a tract conveyed to William M. Norris, recorded in Document No. 200706003522 of the Official Public Records of Comal County Texas, Prop Id. 267,
3. a tract conveyed to CMF Real Estate Holdings, LLC, recorded in Document No. 201506026255 of the Official Public Records of Comal County Texas, Prop Id. 288,
4. Lots 3 & 4, Block 13 of the Re-subdivision of Jahn Addition, recorded in Volume 52, Page 351 of the Comal County Map Records, Prop Id. 273, conveyed to Yawn Group, LLC, recorded in Document No. 201806003260 of the Official Public Records of Comal County Texas
5. Lots 1 & 2, Block 13 of said Re-subdivision of Jahn Addition, as conveyed to My Little Girl, LLLC, recorded in Document No. 201106036607 of the Official Public Records of Comal County Texas, Prop Id. 272, South 37°32'43" West, a distance of 385.32 feet to a point for the North corner of the intersection of Jahn Street and South Castell Avenue, also being the South corner of NCB 1021;



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THENCE with the Northwest line of Jahn Street, crossing South Castell Avenue (66.66' R.O.W.) South 37°32'43" West, a distance of 65.00 feet to a point for the West corner of the intersection of South Castell Avenue and Jahn Street and the East corner of NCB 1022;

THENCE with the Northwest line of Jahn Street and the Southeast line of NCB 1022, and the following 2 tracts and a street,

1. Lot 10, NCB 1022 conveyed to Katherine Truesdell, recorded in Document No. 201106030712 of the Official Public Records of Comal County Texas, Prop Id. 298,
2. the South line of Colvin Street (20' R.O.W.),
3. Lots 11,12 & 13, NCB 1022 conveyed to Jahn Street Properties, LLC., recorded in Document No. 201206041187 of the Official Public Records of Comal County Texas, Prop Id. 299, South 37°40'03" West, a distance of 268.68 feet to a point for the Northwest corner of the intersection of Jahn Street and the International Great Northern Railroad (100' R.O.W.);

THENCE with the North line of the International Great Northern Railroad R.O.W. and the Southwest line of said Jahn Street Property, North 66°14'32" West, a distance of 206.14 feet to a point for the Northwest corner of said Jahn Property and the Southeast corner a tract conveyed to the City of New Braunfels, in Parcel 1, recorded in Document No. 9706007700 of the Official Public Records of Comal County Texas, Prop Id. 167;

THENCE with the Railroad R.O.W. and the Southwest line of said City of New Braunfels tract, the following two calls:

- 1.) North 62°40'55" West, a distance of 190.28 feet to a point;
- 2.) North 61°36'04" West, a distance of 127.92 feet to a point in the Southwest corner of said City of New Braunfels tract, being the Southeast corner of the intersection of said railroad and Butcher Street;

THENCE with the Northeast line of said Railroad and crossing Butcher Street (30' R.O.W.) North 55°33'40" West, a distance of 32.30 feet to a point for the Northwest corner of Butcher Street and the South corner of a tract conveyed to the City of New Braunfels, in Parcel 2, recorded in Document No. 9706007700 of the Official Public Records of Comal County Texas, Prop Id. 410103;

THENCE with the Northeast line of said Railroad R.O.W. and the Southwest line of said Parcel 2, North 58°04'38" West, a distance of 53.79 feet to a point for the Southwest corner of said Parcel 2;

THENCE with the Northeast line of said Railroad 100' wide R.O.W., North 53°31'48" West, a distance of 438.20 feet to a point for the Southwest corner of the intersection of East Garden Street and said Railroad R.O.W.;

THENCE with the Railroad R.O.W., crossing East Garden Street (66.66' R.O.W.) North 52°28'19" West, a distance of 65.00 feet to a point for the South corner of NCB 1013, being the West corner of the intersection of said Railroad R.O.W. and East Garden Street;

ENGINEERING & SURVEYING TBPE-FIRM F-10961  
 TBPLSFIRM10153600

THENCE with the Northeast line of said Railroad R.O.W. and the Southwest line of NCB 1013, North 52°49'35" West, a distance of 480.14 feet to a point for the West corner of NCB 1013 and the East corner of the intersection of said Railroad R.O.W. and West Coll Street {66.66' R.O.W.);

THENCE with the Northeast line of said 100' wide Railroad R.O.W., North 53°16'43" West, a distance of 637.05 feet to a point in the Northeast line of said Railroad R.O.W. and the Southwest line of Hill Avenue;

THENCE crossing said Railroad R.O.W., South 37°29'34" West, a distance of 100.00 feet to a point for the West corner of the intersection of said Railroad R.O.W. and Cross Street, and the East corner of NCB 1001 and the East corner of a tract conveyed to Donald and Lynn Forbes, recorded in Document No. 9706017179 of the Official Public Records of Comal County Texas, Prop Id. 9;

THENCE with the Northwest line of Cross Street and the Southeast corner of the following 3:

1. said Donald and Lynn Forbes tract,
2. a tract conveyed to Allegiant Senior Living, LLC, recorded in Document No. 201706039281 of the Official Public Records of Comal County Texas, Prop Id. 4,
3. a tract conveyed to Edward and Charlotte Cavanaugh Family Trust, recorded in Document No. 201806001171 of the Official Public Records of Comal County Texas, Prop Id. 378760, South 38°24'08" West, a distance of 265.63 feet to a point for the North corner of the intersection of Cross Street and South Academy Ave and the South corner of NCB 4001, and the South corner of said Edward and Charlotte Cavanaugh Family Trust tract;

THENCE with the Northwest line of Cross Street, crossing South Academy Street {66.66' R.O.W.), South 36°55'45" West, a distance of 68.78 feet to a point for the West corner of the intersection of South Academy Street and Cross Street, and the East corner of a tract conveyed to Michael J. Pollard, recorded in Document No. 200306033121 of the Official Public Records of Comal County Texas, Prop Id. 1442;

THENCE with the Northwest line of Cross Street and the Southeast line of the following 4 tracts,

1. said Pollard tract,
2. a tract conveyed to Janie Mott, recorded in Document No. 201806037582 of the Official Public Records of Comal County Texas, Prop Id. 1438,
3. Lots 1 and 6, NCB 4001 conveyed to Sophies Gasthaus, LLC., recorded in Document No. 202106034115 of the Official Public Records of Comal County Texas, Prop Id. 1443,
4. a tract with no deed information available, Prop Id. 1448, South 38°03'53" West, a distance of 492.03 feet to a point for the East corner of a tract conveyed to Delio and Juanita Bustos, recorded in Volume 390, Page 418 Comal County Deed Records;

THENCE continuing with the Northwest line of Cross Street, and the Southeast line of NCB 4001, and the following 2 tracts,

1. said Bustos tract,
2. a tract conveyed to Armando Martinez, recorded in Document No. 201406021790 of the Official Public Records of Comal County Texas, Prop Id. 1450, South 38°03'53" West, a distance of 152.68 feet to a point for the North corner of the intersection of Clemens Avenue and Cross Street;

THENCE with the Northwest line of Cross Street, crossing Clemens Avenue (66.0' R.O.W.) South 41°54'11" West, a distance of 65.09 feet to a point for the West corner of the intersection of Clemens Avenue and Cross Street, being the East corner of NCB 4002;

THENCE with the Northwest line of Cross Street and the Southeast line of NCB 4002 and the Southeast line of the following 4 tracts:

1. a confidential tract, Prop Id. 1463,
2. a tract conveyed to Richard Rabe, recorded in Document No. 201506004178 of the Official Public Records of Comal County Texas, Prop Id. 1465,
3. a tract conveyed to Jeffrey and Maria Turner, recorded in Volume 839, Page 487 of the Comal County Deed Records, Prop Id. 1461,
4. a tract conveyed to Gary and Sue McGurk, recorded in Volume 594, Page 727 of the Comal County Deed Records, Prop Id. 1462, South 42°17'48" West, a distance of 400.57 feet to a point for the North corner of the intersection of Cross Street and South Guenther Avenue, also being the South corner of NCB 4002 and said McGurk property;

THENCE with the Northeast line of South Guenther Avenue and the Southwest line of the following 3 tracts:

1. said McGurk tract,
2. a tract conveyed to the Seals Family Properties, LLC., recorded in Document No. 202006009910 of the Official Public Records of Comal County Texas, Prop Id. 1458,
3. a tract conveyed to Seals Family Property, LLC., recorded in Document No. 202006023475 of the Official Public Records of Comal County Texas, Prop Id. 1459, North 49°55'46" West, a distance of 393.46 feet to a point for the East corner of the intersection of South Guenther Avenue and West San Antonio Street, also being the West corner of NCB 4002 and said tract described as Prop Id. 1458;

THENCE with the Northeast line of South Guenther Avenue, crossing West San Antonio Street, (R.O.W. varies at this location) North 49°55'46" West, a distance of 72.68 feet to a point in the Northwest line of West San Antonio Street and the Southeast line of Lots 4 and 5, NCB 3002, conveyed to Miles and Susan Granzin, recorded in Document No. 200406001675 of the Official Public Records of Comal County Texas, Prop Id. 1047;

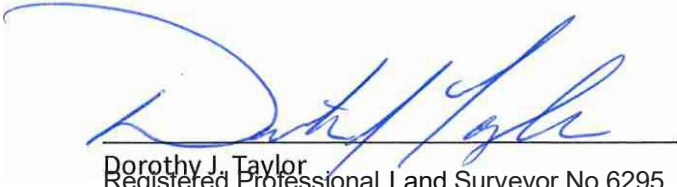
THENCE with the Northwest line of West San Antonio Street and the Southeast line of said Granzin tract, South 38°57'56" West, a distance of 41.25 feet to a point for the North corner of the intersection of West San Antonio Street and a 20' Wide Alley, also being the South Corner of said Granzin tract;

THENCE with the Northeast line of said Alley and the Southwest line of said Granzin tract and the Southwest line of the Patricia B. Wyatt Revocable Trust tract, North 50°27'33" West, a distance of 373.65 feet to the POINT OF BEGINNING and containing 182.91 acres of land in the City of New Braunfels, Comal County, Texas.



This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Written August 14, 2021.



Dorothy J. Taylor  
Registered Professional Land Surveyor No. 6295

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S:\!Projects\040 - City of New Braunfels\040.033 - Political Subdivision for Downtown TIRZ Boundary\M&B\TIRZ ARY M&B.docx

9/23/2024

Agenda Item No. B)

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**PRESENTER:**

Gayle Wilkinson, City Secretary

**SUBJECT:**

Discuss and consider approval of a resolution for nomination(s) to the Comal County Appraisal District Board of Directors.

**DEPARTMENT:** City Secretary

**COUNCIL DISTRICTS IMPACTED:** All

**BACKGROUND INFORMATION:**

The election process for the Comal Appraisal District Board of Directors for the 2025 and the 2025-2027 terms has begun. The City of New Braunfels, as a voting entity, may nominate candidates for each position by resolution as stated in the Texas Property Tax Code Section 6.03(g).

The following individuals are the current members of the board: John Tyler, Eric Couch, Bob Slupik, Douglas Miller II, and James Long.

**ISSUE:**

Due to the passing of Senate Bill 2 in 2023, section 5.13(d) states that the current appointed members of the Board of Directors term will end December 31, 2024. To facilitate the transition to the four-year staggered terms, the Comal Appraisal District will hold an election this fall for five directors appointed by the entities where two members will serve a one-year term and three members will serve a three-year term.

City Council must, by resolution, indicate which individuals are to be nominated to the board *and* what term they are nominated for. The official letter from the Comal Appraisal District is included in the agenda item for reference.

**STRATEGIC PLAN REFERENCE:**

- Economic Mobility
- Enhanced Connectivity
- Community Identity
- Organizational Excellence
- Community Well-Being
- N/A

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

City Council to provide nominations to the Comal Appraisal District Board of Directors.

# COMAL APPRAISAL DISTRICT

900 S. SEGUIN AVENUE  
NEW BRAUNFELS, TX 78130

Jeffrey J. Booker  
CHIEF APPRAISER

August 9, 2024

Mayor Neal Linnartz  
City of New Braunfels  
550 Landa Street  
New Braunfels, TX 78130

REF: Board of Directors Election

It is time to begin the Comal Appraisal District (CAD) Board of Directors election process for the **2025 and the 2025-2027 terms**. Each voting entity may nominate candidates for each position by resolution as stated in the tax code quoted below:

Section 6.03(g) of the Texas Property Tax Code states *“Each taxing unit other than a conservation and reclamation district that is entitled to vote may nominate by resolution adopted by its governing body one candidate for each position to be filled on the board of directors. The presiding officer of the governing body of the unit shall submit the names of the unit’s nominees to the chief appraiser before October 15.”*

Due to the passing of Senate Bill 2 in 2023, section 5.13(d) states that the current appointed members of the Board of Directors term will end December 31, 2024. To facilitate the transition to four-year staggered terms, the CAD will hold an election this fall for five directors appointed by the entities where two members will serve a one-year term and three members will serve a three-year term.

When selecting your nominee, please note the eligibility requirements below and indicate the length of term that s/he is willing to serve.

To be eligible to serve on the Board of Directors, an individual must be:

- A resident of Comal County and must have resided in the county for at least two years immediately preceding the date the individual takes office.

An individual is not eligible to serve on the Board of Directors if s/he:

- Is an employee of a taxing unit that participates in the district unless the individual is also a member of the governing body or an elected official of a participating taxing unit.
- Has a substantial interest in or is party to a contract with the appraisal district.
- Has a substantial interest in or is a party to a contract with a taxing unit that participates in the appraisal district and the contract relates to the performance of an activity governed by the Texas Property Tax Code.
- Is related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to an individual who is engaged in the business of appraising property for compensation for use in proceedings under the Texas Property Tax Code or of representing owners for compensation in proceedings in the appraisal district.

**COMAL APPRAISAL DISTRICT**

900 S. SEGUIN AVENUE  
NEW BRAUNFELS, TX 78130

Jeffrey J. Booker  
CHIEF APPRAISER

- Has served as a member of the board of directors for all or part of five terms, unless the individual was the county assessor-collector at the time the individual served as a board member or has been an employee of the appraisal district at any time during the preceding three years, according to Tax Code Section 6.035(a-1).
- Owns property in which taxes are delinquent for more than 60 days unless there is a written installment agreement for payment of taxes and any penalty and interest or a suit to collect the delinquent taxes has been abated or deferred.

For your convenience we have attached a list of the current Board of Directors and whether or not the member is willing to serve again. **Please submit the names of your nominees to this office (including term length) no later than October 15, 2024 so they may be placed on the official ballot.**

Sincerely,



Jeffrey J. Booker, RPA  
Chief Appraiser

# COMAL APPRAISAL DISTRICT

900 S. SEGUIN AVENUE  
NEW BRAUNFELS, TX 78130

JEFFREY J. BOOKER, RPA  
CHIEF APPRAISER

## COMAL APPRAISAL DISTRICT BOARD OF DIRECTORS

### 2025 TERM and 2025-2027 TERM

POSITION	MEMBER	NOMINATING ENTITY 2024 YEAR	WILLING TO SERVE	
			1-YEAR 2025	3-YEARS 2025-2027
Chairman	John Tyler	Comal ISD Comal County	Yes	No
Vice Chairman	Eric Couch	City of New Braunfels	Yes	Yes
Secretary	Bob Slupik	Comal ISD	Yes	Yes
Member	Douglas Miller II	Comal ISD	Yes	Yes
Member	James Long	Comal ISD	Yes	Maybe



**RESOLUTION NO. 2024-\_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS TO NOMINATE CANDIDATE(S) TOWARD THE ELECTION OF THE COMAL APPRAISAL DISTRICT BOARD OF DIRECTORS.

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**WHEREAS**, the City Council of the City of New Braunfels has been advised by the Chief Appraiser of the Comal Appraisal District, that the City may nominate candidate(s) of choice, for the Board of Directors, Comal Appraisal District.

**WHEREAS**, the City of New Braunfels does not have a candidate(s) at this time.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

THAT the City Council of the City of New Braunfels shall submit the Official Nomination(s), attached hereto, as issued by the Chief Appraiser, stating their nominations for candidates for the election of the Board of Directors for the Comal Appraisal District for both the 2025 term and the 2025-2027 term as indicated below.

Name	Term

**PASSED, ADOPTED AND APPROVED** this 23<sup>rd</sup> day of September 2024.

CITY OF NEW BRAUNFELS

BY: \_\_\_\_\_  
Neal Linnartz, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Wilkinson, City Secretary



9/23/2024

Agenda Item No. C)

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**PRESENTER:**

Gayle Wilkinson, City Secretary

**SUBJECT:**

Discuss and consider approval of a resolution for nomination(s) to the Guadalupe Appraisal District Board of Directors.

**DEPARTMENT:** City Secretary

**COUNCIL DISTRICTS IMPACTED:** All

**BACKGROUND INFORMATION:**

The election process for the Guadalupe Appraisal District Board of Directors for the 2025 and the 2025-2027 terms has begun. The City of New Braunfels, as a voting entity, may nominate candidates for each position by resolution as stated in the Texas Property Tax Code Section 6.03(g).

The following individuals are the current members of the board: Daryl John (ex-officio), Leticia Sever, Ben Amador, Jim Lievens, and Darren Dunn.

**ISSUE:**

Due to the passing of Senate Bill 2 in 2023, section 5.13(d) states that the current appointed members of the Board of Directors term will end December 31, 2024. To facilitate the transition to the four-year staggered terms, the Guadalupe Appraisal District will hold an election this fall for five directors appointed by the entities where two members will serve a one-year term and three members will serve a three-year term.

City Council must, by resolution, indicate which individuals are to be nominated to the board *and* what term they are nominated for. The official letter from the Guadalupe Appraisal District is included in the agenda item for reference.

**STRATEGIC PLAN REFERENCE:**

- Economic Mobility
- Enhanced Connectivity
- Community Identity
- Organizational Excellence
- Community Well-Being
- N/A

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

City Council to provide nominations to the Guadalupe Appraisal District Board of Directors.

# GUADALUPE APPRAISAL DISTRICT

## Main Office

3000 N. Austin St.  
Seguin, Texas 78155  
(830) 303-3313  
(830) 372-2874 (Fax)  
cstiers@guadalupead.org



## Schertz Substation

1052 FM 78, Ste. 103  
Schertz, Texas 78154  
(830) 303-3313 Option 0  
(877) 254-0888 (Fax)

September 6, 2024

City of New Braunfels

Attn: Robert Camareno, City Manager and City Council

550 Landa St.

New Braunfels, Texas 78130

Dear City Manager Camareno and City Council,

The passage of Senate Bill 2 (SB2) during 88<sup>th</sup> Legislative Session changed the configuration of an appraisal district's board of directors effective July 1, 2024. As such, appraisal districts located within populous counties (>75,000) are required to conduct an election for appointment of five (5) directorships. The term durations of the five (5) directorships will be decided by a draw at the first meeting of 2025. Two (2) will serve a single year term with the remaining three (3) serving a three (3) year term. The terms are structured in a way to result in staggered four (4) year terms moving forward. That said, this letter is forwarded to the required representatives of the taxing units entitled to participate in the nomination and voting process for the directorships beginning January 1, 2025. Following is a brief timeline of this process:

- The chief appraiser delivers notice of election and voting entitlement to the taxing units.
- Each taxing unit may **nominate by resolution** one candidate for each directorship to be filled (5 directorships are to be filled). The Tax Assessor-Collector (TAC) is no longer required to participate in the appointment election with the passage of SB2. A county **TAC now serves as an ex officio director**, as the ninth voting member, on an appraisal district's board of directors. Nominations by way of resolution **must be submitted** to the chief appraiser no later than **October 15, 2024**.
- The chief appraiser will then prepare and deliver a ballot of all nominees to each taxing unit before **October 30, 2024**.
- The governing body of each taxing unit must determine their vote by resolution and submit it to the chief appraiser before **December 15, 2024**.
- The chief appraiser will tabulate the votes, declare the winners, and submit the results to the governing body of each taxing unit before **December 31, 2024**.

## Nominee Qualifications

§ 6.03 (d) of the Texas Tax Code states that to be eligible to serve on the board of directors, an individual must be a resident of the district and must have resided in the district for at least two years immediately preceding the date the individual takes office. § 6.035 (a) of the Texas Tax Code disqualifies an individual from serving as a director if that individual owns property on which delinquent property taxes have been owed for more than 60 days. This restriction is not applicable under installment agreements or deferrals. There are also additional restrictions outlined in §56.035 Texas Tax Code. Enclosed is a Nomination/ Eligibility Statement to be completed by each nominee and turned into the Guadalupe Appraisal District with formal nominations.

## Voting Allocation

Enclosed, you will find a summary of the voting entitlement of the taxing units participating in the nomination and election for the Guadalupe Appraisal District Board of Directors. City of New Braunfels will have **140 votes** to cast in this election process. Votes may be allocated to one nominee, or votes may be distributed to more than one nominee. The nominees who receive the largest cumulative vote total are declared the directors beginning on January 1, 2025, for terms to be determined by draw.

Should you have any questions regarding this process, do not hesitate to contact Cherie Stiers in our office.

Sincerely,

Peter Snaddon, R.P.A., C.C.A.  
Chief Appraiser

**GUADALUPE APPRAISAL DISTRICT BOARD of DIRECTORS ELECTION**  
**ENTITY VOTING ENTITLEMENTS**  
*as of 8/29/2024*

CAD	Taxing Unit ID	Taxing Unit Name	2023 Entity Levy	2023 Total Levy	Portion of Levy (%)	Total Number of Votes	Entity Votes <sup>1</sup>
094-Guadalupe	094-902-02	Schertz-Cibolo UC ISD	\$72,857,750 ÷	\$328,189,045 =	0.22200	X 5,000	1,110
094-Guadalupe	094-000-00	Guadalupe County	\$65,364,168 ÷	\$328,189,045 =	0.19917	X 5,000	996
094-Guadalupe	094-901-02	Seguin ISD	\$52,113,451 ÷	\$328,189,045 =	0.15879	X 5,000	794
094-Guadalupe	046-901-02	New Braunfels ISD	\$19,720,740 ÷	\$328,189,045 =	0.06009	X 5,000	300
094-Guadalupe	094-103-03	City of Seguin	\$18,630,518 ÷	\$328,189,045 =	0.05677	X 5,000	284
094-Guadalupe	094-102-03	City of Schertz	\$18,590,668 ÷	\$328,189,045 =	0.05665	X 5,000	283
094-Guadalupe	094-903-02	Navarro ISD	\$17,928,914 ÷	\$328,189,045 =	0.05463	X 5,000	273
094-Guadalupe	094-104-03	City of Cibolo	\$15,512,054 ÷	\$328,189,045 =	0.04727	X 5,000	236
094-Guadalupe	094-904-02	Marion ISD	\$15,392,499 ÷	\$328,189,045 =	0.04690	X 5,000	235
094-Guadalupe	046-902-02	Comal ISD	\$10,655,417 ÷	\$328,189,045 =	0.03247	X 5,000	162
094-Guadalupe	046-101-03	City of New Braunfels	\$9,186,104 ÷	\$328,189,045 =	0.02799	X 5,000	140
094-Guadalupe	105-902-02	San Marcos ISD	\$3,369,279 ÷	\$328,189,045 =	0.01027	X 5,000	51
094-Guadalupe	094-202-19	Lake McQueeney WCID #1	\$1,416,397 ÷	\$328,189,045 =	0.00432	X 5,000	22
094-Guadalupe	247-903-02	LaVernia ISD	\$1,322,562 ÷	\$328,189,045 =	0.00403	X 5,000	20
094-Guadalupe	094-201-19	Lake Placid WCID #1	\$1,270,247 ÷	\$328,189,045 =	0.00387	X 5,000	19
094-Guadalupe	015-120-03	City of Selma	\$1,267,210 ÷	\$328,189,045 =	0.00386	X 5,000	19
094-Guadalupe	028-903-02	Luling ISD	\$1,048,933 ÷	\$328,189,045 =	0.00320	X 5,000	16
094-Guadalupe	046-202-19	Lake Dunlap WCID	\$504,075 ÷	\$328,189,045 =	0.00154	X 5,000	8
094-Guadalupe	028-906-02	Prairie Lea ISD	\$455,570 ÷	\$328,189,045 =	0.00139	X 5,000	7
094-Guadalupe	094-201-04	Lone Oak MUD	\$443,894 ÷	\$328,189,045 =	0.00135	X 5,000	7
094-Guadalupe	094-101-03	City of Marion	\$424,243 ÷	\$328,189,045 =	0.00129	X 5,000	6
094-Guadalupe	015-115-03	City of Universal City	\$267,743 ÷	\$328,189,045 =	0.00082	X 5,000	4
094-Guadalupe	094-106-03	City of Santa Clara	\$115,633 ÷	\$328,189,045 =	0.00035	X 5,000	2
094-Guadalupe	094-203-19	Meadow Lake WCID #1	\$102,947	\$328,189,045	0.00031	X 5,000	2
094-Guadalupe	089-903-02	Nixon-Smilely ISD	\$73,440 ÷	\$328,189,045 =	0.00022	X 5,000	1
094-Guadalupe	094-202-04	Guadalupe County MUD#4	\$56,052	\$328,189,045	0.00017	X 5,000	1
094-Guadalupe	028-102-03	City of Luling	\$42,816 ÷	\$328,189,045 =	0.00013	X 5,000	1
094-Guadalupe	094-201-09	York Creek Water Dist.	\$34,560 ÷	\$328,189,045 =	0.00011	X 5,000	1
094-Guadalupe	094-207-04	Sky Ranch MUD	\$17,856	\$328,189,045	0.00005	X 5,000	0
094-Guadalupe	094-204-04	Guadalupe County MUD06	\$2,149	\$328,189,045	0.00001	X 5,000	0
094-Guadalupe	105-103-03	City of San Marcos	\$959 ÷	\$328,189,045 =	0.00000	X 5,000	0
094-Guadalupe	094-205-04	Guadalupe County MUD10	\$197 ÷	\$328,189,045 =	0.00000	X 5,000	0
						<b>Total Votes</b>	<b>5,000</b>

Source: <https://comptroller.texas.gov/taxes/property-tax/rates/index.php>

**Section 6.03 Board of Directors<sup>1</sup>**

(d) The voting entitlement of a taxing unit that is entitled to vote for directors is determined by dividing the total dollar amount of property taxes imposed in the district by the taxing unit for the preceding tax year by the sum of the total dollar amount of property taxes imposed in the district for that year by each taxing unit that is entitled to vote, by multiplying the quotient by 1,000, and by rounding the product to the nearest whole number. That number is multiplied by the number of directorships to be filled. A taxing unit participating in two or more districts is entitled to vote in each district in which it participates, but only the taxes imposed in a district are used to calculate voting entitlement in that district.

**GUADALUPE APPRAISAL DISTRICT  
BOARD OF DIRECTORS  
Election Appointment Process & Eligibility Requirements  
Per Texas Tax Code**

The election process, to include **important deadlines**, for appointment to serve on the Board of Directors of an appraisal located in a populous county (*greater than 75,000*) is outlined in Chapter 6 of the Texas Tax Code. Below are the key sections of this chapter relating to the upcoming election this fall.

**Sec. 6.0301. BOARD OF DIRECTORS IN POPULOUS COUNTIES.**

- (a) This section applies only to an appraisal district established in a county with a population of 75,000 or more.
- (b) Sections 6.031, 6.034, and 6.10 do not apply to an appraisal district to which this section applies.
- (c) The appraisal district is governed by a board of nine directors. **Five directors are appointed by the taxing units that participate in the district in the manner prescribed by Section 6.03<sup>1</sup>.** Three directors are elected by majority vote at the general election for state and county officers by the voters of the county in which the district is established. **The county assessor-collector serves as an ex officio director.**
- (d) To be eligible to serve on the board of directors, an individual other than the county assessor-collector must be a resident of the district and must have resided in the district for at least two years immediately preceding the date the individual takes office. An individual who is otherwise eligible to serve on the board is not ineligible because of membership on the governing body of a taxing unit. An employee of a taxing unit that participates in the district is not eligible to serve on the board unless the individual is also a member of the governing body or an elected official of a taxing unit that participates in the district.
- (e) Members of the board of **directors appointed by the taxing units** participating in the district **serve staggered four-year terms** beginning on January 1 of every other even-numbered year. Elected members of the board of directors serve staggered four-year terms beginning on January 1 of every other odd-numbered year.
- (f) If a vacancy occurs in an appointive position on the board of directors, each taxing unit that is entitled to vote under Section 6.03 may nominate by resolution adopted by its governing body a candidate to fill the vacancy. The taxing unit shall submit the name of its nominee to the chief appraiser within 45 days after notification from the board of directors of the existence of the vacancy, and the chief appraiser shall prepare and deliver to the board of directors within the next five days a list of the nominees. The board of directors shall appoint by majority vote of its members one of the nominees to fill the vacancy.
- (g) If a vacancy occurs in an elective position on the board of directors, the board of directors shall appoint by majority vote of its members a person to fill the vacancy. A person appointed to fill a vacancy in an elective position must have the qualifications required of a director elected at a general election.

Added by Acts 2023, 88th Leg., 2nd C.S., Ch. 1 (S.B. 2), Sec. 5.03, **eff. July 1, 2024.**

**'Sec. 6.03. BOARD OF DIRECTORS *cont.***

(d) The voting entitlement of a taxing unit that is entitled to vote for directors is determined by dividing the total dollar amount of property taxes imposed in the district by the taxing unit for the preceding tax year by the sum of the total dollar amount of property taxes imposed in the district for that year by each taxing unit that is entitled to vote, by multiplying the quotient by 1,000, and by rounding the product to the nearest whole number. That number is multiplied by the number of directorships to be filled. A taxing unit participating in two or more districts is entitled to vote in each district in which it participates, but only the taxes imposed in a district are used to calculate voting entitlement in that district.

(e) The chief appraiser shall calculate the number of votes to which each taxing unit other than a conservation and reclamation district is entitled and shall deliver written notice to each of those units of its voting entitlement before October 1 of each odd-numbered year. The chief appraiser shall deliver the notice:

(1) to the county judge and each commissioner of the county served by the appraisal district;

(2) to the presiding officer of the governing body of each city or town participating in the appraisal district, to the city manager of each city or town having a city manager, and to the city secretary or clerk, if there is one, of each city or town that does not have a city manager;

(3) to the presiding officer of the governing body of each school district participating in the district and to the superintendent of those school districts; and

(4) to the presiding officer of the governing body of each junior college district participating in the district and to the president, chancellor, or other chief executive officer of those junior college districts.

(g) **Each taxing unit** other than a conservation and reclamation district that is **entitled to vote may nominate by resolution adopted by its governing body one candidate for each position to be filled on the board of directors.**

The presiding officer of the governing body of the unit **shall submit** the names of the unit's nominees to the chief appraiser **before October 15.**

(j) **Before October 30,** the **chief appraiser shall prepare a ballot,** listing the candidates whose names were timely submitted under Subsections (g) and, if applicable, (h) or (i) alphabetically according to the first letter in each candidate's surname, and shall deliver a copy of the ballot to the presiding officer of the governing body of each taxing unit that is entitled to vote.

(k) The governing body of **each taxing unit** entitled to vote **shall determine its vote by resolution** and submit it to the chief appraiser **before December 15.** The **chief appraiser shall** count the votes, **declare the five candidates** who receive the largest cumulative vote totals **elected,** and submit the results **before December 31** to the governing body of each taxing unit in the district and to the candidates. For purposes of determining the number of votes received by the candidates, the candidate receiving the most votes of the conservation and reclamation districts is considered to have received all of the votes cast by conservation and reclamation districts and the other candidates are considered not to have received any votes of the conservation and reclamation districts. The chief appraiser shall resolve a tie vote by any method of chance.

(l) If a vacancy occurs on the board of directors other than a vacancy in the position held by a county assessor-collector serving as a nonvoting director, each taxing unit that is entitled to vote by this section may nominate by resolution adopted by its governing body a candidate to fill the vacancy. The unit shall submit the name of its nominee to the chief appraiser within 45 days after notification from the board of directors of the existence of the vacancy, and the chief appraiser shall prepare and deliver to the board of directors within the next five days a list of the nominees. The board of directors shall elect by majority vote of its members one of the nominees to fill the vacancy.

**Eligibility criteria for candidates seeking to serve on the Board of Directors of an Appraisal District**

**Sec. 6.035. RESTRICTIONS ON ELIGIBILITY AND CONDUCT OF BOARD MEMBERS AND CHIEF APPRAISERS AND THEIR RELATIVES.**

(a) An individual is ineligible to serve on an appraisal district board of directors and is disqualified from employment as chief appraiser if the individual:

(1) is related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to an individual who is engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district; or

(2) owns property on which delinquent taxes have been owed to a taxing unit for more than 60 days after the date the individual knew or should have known of the delinquency unless:

(A) the delinquent taxes and any penalties and interest are being paid under an installment payment agreement under Section 33.02; or

(B) a suit to collect the delinquent taxes is deferred or abated under Section 33.06 or 33.065.

(a-1) An individual is ineligible to serve on an appraisal district board of directors if the individual has engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district at any time during the preceding five years.

(b) A member of an appraisal district board of directors or a chief appraiser commits an offense if the board member continues to hold office or the chief appraiser remains employed knowing that an individual related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to the board member or chief appraiser is engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district in which the member serves or the chief appraiser is employed. An offense under this subsection is a Class B misdemeanor.

(c) A chief appraiser commits an offense if the chief appraiser refers a person, whether gratuitously or for compensation, to another person for the purpose of obtaining an appraisal of property, whether or not the appraisal is for ad valorem tax purposes. An offense under this subsection is a Class B misdemeanor.

(d) An appraisal performed by a chief appraiser in a private capacity or by an individual related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to the chief appraiser may not be used as evidence in a protest or challenge under Chapter 41 or an appeal under Chapter 42 concerning property that is taxable in the appraisal district in which the chief appraiser is employed.

**Sec. 6.036. INTEREST IN CERTAIN CONTRACTS PROHIBITED.**

(a) An individual is not eligible to be appointed to or to serve on the board of directors of an appraisal district if the individual or a business entity in which the individual has a substantial interest is a party to a contract with:

(1) the appraisal district; or

(2) a taxing unit that participates in the appraisal district, if the contract relates to the performance of an activity governed by this title.

(b) An appraisal district may not enter into a contract with a member of the board of directors of the appraisal district or with a business entity in which a member of the board has a substantial interest.

(c) A taxing unit may not enter into a contract relating to the performance of an activity governed by this title with a member of the board of directors of an appraisal district in which the taxing unit participates or with a business entity in which a member of the board has a substantial interest.

(d) For purposes of this section, an individual has a substantial interest in a business entity if:

(1) the combined ownership of the individual and the individual's spouse is at least 10 percent of the voting stock or shares of the business entity; or

(2) the individual or the individual's spouse is a partner, limited partner, or officer of the business entity.

(e) In this section, "business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or other entity recognized by law.

(f) This section does not limit the application of any other law, including the common law relating to conflicts of interest, to an appraisal district director.

# Guadalupe Appraisal District Board of Directors Nomination/Eligibility Statement:



- I affirm that I have established residency at the address of:

\_\_\_\_\_ in Guadalupe County for the following time frame: \_\_\_\_\_ to \_\_\_\_\_.

*The Guadalupe Appraisal District will verify this by seeking confirmation of a General Residence Homestead on the above-described property. Should the address above be rental property, the potential nominee will be required to submit additional evidence of residency to the Guadalupe Appraisal District with this notarized affidavit.*

- I affirm that I do not own property for which delinquent taxes have been owed for more than 60 days.
- I affirm that I am not an employee of a taxing unit.
- I affirm that I am not related within the 2<sup>nd</sup> degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to an individual who is engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district.

\_\_\_\_\_  
Signature of Nominee

\_\_\_\_\_  
Printed Name of Nominee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone Contact of Nominee

State of: \_\_\_\_\_

County of: \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Seal)

\_\_\_\_\_  
Notary Public Signature



**RESOLUTION NO. 2024-R\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS TO NOMINATE CANDIDATE(S) TOWARD THE ELECTION OF THE GUADALUPE APPRAISAL DISTRICT BOARD OF DIRECTORS.

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**WHEREAS**, the City Council of the City of New Braunfels has been advised by the Chief Appraiser of the Guadalupe Appraisal District, that the City may nominate candidate(s) of choice, for the Board of Directors, Guadalupe Appraisal District.

**WHEREAS**, the City of New Braunfels does not have a candidate(s) at this time.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

THAT the City Council of the City of New Braunfels shall submit the Official Nomination(s), attached hereto, as issued by the Chief Appraiser, stating their nominations for candidates for the election of the Board of Directors for the Guadalupe Appraisal District for both the 2025 term and the 2025-2027 term as indicated below.

Name	Term

**PASSED, ADOPTED AND APPROVED** this 23<sup>rd</sup> day of September 2024.

CITY OF NEW BRAUNFELS

BY: \_\_\_\_\_  
Neal Linnartz, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Wilkinson, City Secretary

9/23/2024

Agenda Item No. D)

**PRESENTER:**

Jean Drew, AICP, CNU-A, Planning and Development Services Assistant Director

**SUBJECT:**

Public hearing and first reading of an ordinance to amend Chapter 144 regarding RVs on large acreage agriculturally zoned lots.

**DEPARTMENT:** Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** ALL**BACKGROUND INFORMATION:**

Case No: ORD24-218

Staff Contact: Amanda Mushinski, CNU-A  
(830) 221-4056 | [amushinski@newbraunfels.gov](mailto:amushinski@newbraunfels.gov) <  
<mailto:amushinski@newbraunfels.gov>>

Under the current zoning ordinance, the use of Recreational Vehicles (RVs) as permanent residences is not permitted in APD zones. This restriction has been in place to ensure that residential structures meet building and safety codes designed for long-term habitation. However, there has been an increasing demand from New Braunfels citizens for alternative housing options, including the use of RVs in rural areas where traditional housing may not be readily available or affordable. Specifically, families who own large agricultural properties are requesting it as an option for young members of the family transitioning into independence, and for family members looking for aging in place housing. The desire for alternative options to include the use of RVs has been specifically requested by residents for consideration.

**ISSUE:**

The proposed ordinance amendment seeks to address the growing need for flexible housing solutions by allowing a Recreational Vehicle (RVs) on APD-zoned lots of 5 acres or more (limited to no more than one RV per lot).

Some key provisions of the amendment include a lot size requirement, where only lots that are 5 acres or larger and zoned APD will be eligible. Adequate sanitation and waste disposal systems must be in place, including a connection to a septic system or another approved waste management solution. The RV must have access to potable water and a reliable power source and must comply with all related city regulations. While RVs are not required to meet the international residential building codes, they must comply with basic health and safety standards, including fire safety requirements.

The rationale for the amendment is straightforward. It addresses housing affordability by allowing more housing options in rural areas where traditional housing may be too expensive. Additionally, it provides flexibility by offering living arrangements for individuals of all ages who may be transitioning between permanent homes or who prefer a mobile lifestyle. Moreover, it promotes land use efficiency by making effective use of large rural properties that may not be fully utilized. Because of the limited number of APD lots that are 5 acres in size or greater, this amendment should have a minimal impact on surrounding properties,

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while providing an affordable housing option.

The proposed ordinance amendment would be consistent with the following actions from Envision New Braunfels:

- **Action 1.3:** Encourage balanced and fiscally responsible land use patterns.
- **Action 2.1:** Sustain community livability for all ages and economic backgrounds.
- **Action 3.1:** Plan for healthy jobs/housing balance.
- **Action 3.13:** Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities, and price points can be provided across the community as well as within individual developments.
- **Action 3.15:** Incentivize home development that is affordable and close to schools, jobs and transportation.
- **Action 3.16:** Review and revise regulations that inadvertently inhibit creative housing options or workforce housing alternatives.
- **Action 3.30:** Encourage and incentivize workforce/affordable housing to attract new workforce entrants and young families.
- **Action 3.31:** Adopt policies and ordinances supportive of workforce housing, creating opportunities that make investment in workforce housing more feasible for private and nonprofit developers.
- **Aging in Place** concept under the Activate Neighborhoods Strategy.

**STRATEGIC PLAN REFERENCE:**

Economic Mobility Enhanced Connectivity Community Identity  
Organizational Excellence Community Well-Being N/A

- Economic Mobility - Output: Increase the number of new affordable housing units produced each fiscal year.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Staff recommends approval. The proposed ordinance amendment provides a balanced approach to addressing the demand for alternative housing options while ensuring that health, safety, and environmental standards are upheld. It addresses many strategies and actions in the comprehensive plan.

The Planning Commission held a public hearing on August 7, 2024, and recommended denial (5-2-0). The concern seemed to be based on public input about the proliferation of RVs, however the proposed amendment includes limitations on lot size and numbers.

Resource Links

- Chapter 144, Sec. 3.4-1 (APD) of the City’s Code of Ordinances: [≤](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)  
[≥](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Sec. 4.2 (Land Use Matrix) of the City’s Code of Ordinances: [≤](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)  
[≥](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)

**Draft Minutes for the August 8, 2024, Planning Commission Regular Meeting**

**C) ORD24-218 Public hearing and recommendation to City Council on an ordinance amendment to Chapter 144 Zoning, Section 144-3.4 Zoning districts and regulations for property zoned subsequent to June 22, 1987, and Section 144-4.2 Land use matrix regarding RVs on large acreage agriculturally zoned lots. (Presented by Amanda Mushinski, Planner CNU-A)**

Amanda Mushinski presented the aforementioned item and recommended approval.

Chair Sonier asked if there were any questions for staff.

Discussion followed regarding permit requirements, potential impacts, the intent of the requested amendments, existing RV regulations, further clarification of the proposed changes, and defining RVs.

Further discussion followed on existing RV regulations under the New Braunfels Health Code, the scope of the proposed amendments, the most appropriate process to make these changes, and Short-Term Rental regulation.

Chair Sonier opened the public hearing and asked if anyone would like to speak on the item.

TJ Grossi, asked questions regarding the impact of the proposed amendments and commented on potential restrictions that could be implemented as part of the amendments.

Chair Sonier closed the public hearing.

Chair Sonier asked if there were any further discussion or motion.

Discussion followed on procedure in the case of no motion being made.

Motion by Commissioner Taylor, seconded by Commissioner Rudy, to recommend denial of the item to City Council. Motion carried (5-2-0) with Commissioner Schaeffer and Chair Sonier in opposition.

**ORDINANCE NO. 2024-**

***AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING SECTION 3.4; SECTION 4.2; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.***

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**WHEREAS**, Chapter 211 of the Texas Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas, deems it necessary and desirable to establish zoning regulations to provide for the orderly development of property within the City by governing the use of land in order to promote the public health, safety, morals, and general welfare of the residents of the City; and

**WHEREAS**, the Comprehensive Plan, Envision New Braunfels, has multiple action items supporting updates that improve regulations, including Action Items 1.3: Encourage balanced and fiscally responsible land use patterns; 2.1: Sustain community livability for all ages and economic backgrounds; 3.1: Plan for healthy jobs/housing balance; 3.13: Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities, and price points can be provided across the community as well as within individual developments; 3.15: Incentivize home development that is affordable and close to schools, jobs and transportation; 3.16: Review and revise regulations that inadvertently inhibit creative housing options or workforce housing alternatives; 3.30: Encourage and incentivize workforce/affordable housing to attract new workforce entrants and young families; 3.31: Adopt policies and ordinances supportive of workforce housing, creating opportunities that make investment in workforce housing more feasible for private and nonprofit developers; Aging in Place concept under the Activate Neighborhoods Strategy.

**WHEREAS**, the City of New Braunfels Strategic Plan has multiple objectives in the Economic Mobility Strategic Priority supporting updates that improve regulations,

including Output 1: Increase the number of new affordable housing units produced each fiscal year.

**WHEREAS**, the City Council has directed that regulations dealing with the use and development of land be reviewed by the Planning Commission to make recommendations concerning improving those regulations; and

**WHEREAS**, the City is engaged in a project to update the development-related ordinances known as the Land Development Ordinance (LDO), in accordance with the Comprehensive Plan, Envision New Braunfels; and

**WHEREAS**, the Planning Commission held a public hearing on August 7, 2024, and recommended approval of the proposed amendments; and

**WHEREAS**, the City Council held a public hearing on said amendments on August 26, 2024; and

**WHEREAS**, the City Council hereby finds and determines that regularly updating the code for clarification provides improved customer service and is in the best interest of the citizens of New Braunfels.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:**

### **SECTION 1**

**THAT** Chapter 144, Zoning, Article V, Development Standards, Section 3.4, Zoning districts and regulations for property zoned subsequent to June 22, 1987, is hereby amended with additions as underlines and deletions as strikeouts as follows:

### **Sec. 144-3.4. Zoning districts and regulations for property zoned subsequent to June 22, 1987.**

#### *3.4-1. "APD" agricultural/pre-development district.*

*Purpose.* This district is designed for newly annexed areas, agricultural uses, and for areas where development is premature because of a lack of utilities, capacity, or service, or where the ultimate use has not been determined. The following regulations shall apply in all "APD" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

- (1) *Uses permitted by right.*

*Residential uses:*

- Accessory building/structure.
- Accessory dwelling (one accessory dwelling per lot).
- Community home (see definition).
- Family home adult care.
- Family home child care.
- Home occupation (see section 144-5.5).
- One-family, dwelling, detached.
- Single-family industrialized home (see section 144-5.8).

[Recreational Vehicle \(RV\) \(on lots that have a gross area of 5 acres or more\) \(1 RV per lot\).](#)

*Non-residential uses:*

- Barns and farm equipment storage (related to agricultural uses).
- Cemetery and/or mausoleum.
- Church/place of religious assembly.
- Contractor's temporary on-site construction office (only with permit from building official; see section 144-5.10).
- Country club (private).
- Farmers market (produce market—wholesale).
- Farms, general (crops) (see chapter 6) (section 144-5.9 is not applicable).
- Farms, general (livestock/ranch) (see chapter 6) (section 144-5.9 is not applicable).
- Flour mills, feed mills, and grain processing.
- Golf course, public or private.
- Governmental building or use with no outside storage.
- Grain elevator.
- Hay, grain, and/or feed sales (wholesale).
- Livestock sales/auction.
- Park and/or playground (public).
- Plant nursery (growing for commercial purposes but no retail sales on site).
- Recreation buildings (public).
- Rodeo grounds.
- School, K-12 (public or private).



Stables (as a business) (see chapter 6).

Stables (private, accessory use) (see chapter 6).

Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system.

Any comparable use not included in or excluded from any other district described herein.

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## **SECTION 2**

**THAT** Chapter 144, Zoning, Article V, Development Standards, Section 4.2, Land use matrix, is hereby amended with additions as underlines and deletions as strikeouts as follows:

LEGEND																																																
P - The land use is permitted by right in the zoning district indicated.																																																
- The land use is prohibited in the zoning district indicated (Blank).																																																
NOTE: Unless otherwise noted in this chapter, an application for a special use permit may be made for any land use not permitted in any district, except PD.																																																
Types of Land Uses	Pre-1987 Zoning Districts											Post-1987 Zoning Districts																																				
	R-1	R-2	R-3	B-1	T-H	Z-H	C-1	C-2	C-3	C-4	M-1	M-2	A-PD	R-1A	R-1B	R-1C	R-1D	R-1E	R-1F	R-1G	R-1H	R-1I	R-1J	R-1K	R-1L	R-1M	R-1N	B-1A	B-1B	T-H	Z-H	M-U	M-U	C-1A	C-1B	C-2A	C-2B	C-4A	C-4B	C-O	M-1A	M-2A						
Rodeo grounds										P	P	P	P																				P											P			P	P
<a href="#">Recreational Vehicle (RV) (on lots that have a gross area of 5 acres or more)</a>													P																																			

<u>(1 RV per lot).</u>																																										
RV park								P	P																												P	P	P			
*****																																										

### **SECTION 3**

**THAT** it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

### **SECTION 4**

**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

### **SECTION 5**

**THAT** all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

### **SECTION 6**

**THAT** in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

**SECTION 7**

**THAT** this Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels, Texas.

**PASSED AND APPROVED:** First reading this 23<sup>rd</sup> day of September 2024.

**PASSED AND APPROVED:** Second reading this 14<sup>th</sup> day of October 2024.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**NEIL LINNARTZ, Mayor**

**ATTEST:**

\_\_\_\_\_  
**GAYLE WILKINSON, City Secretary**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**VALERIA M. ACEVEDO, City Attorney**



# City Council Agenda Item Report

550 Landa Street  
New Braunfels, TX

**9/23/2024**

Agenda Item No. A)

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**SUBJECT:**

Deliberate and consider the purchase, exchange, lease, contract terms, due diligence, or value of real property, in accordance with Section 551.072 of the Texas Government Code:

1. TSTC Campus